



**5/S**



**SAN FRANCISCO  
PUBLIC LIBRARY**

GOVERNMENT INFORMATION CENTER  
SAN FRANCISCO PUBLIC LIBRARY

**REFERENCE BOOK**

*Not to be taken from the Library*

MAY 15 1985

SAN FRANCISCO PUBLIC LIBRARY



3 1223 90119 7609



Digitized by the Internet Archive  
in 2015

<https://archive.org/details/healthcode1947sanf>

1948  
JUN 5 - 1947  
SAN FRANCISCO  
PUBLIC LIBRARY

DOCUMENT

# HEALTH CODE

With amendments to and including February 1, 1947



## PART II

### Chapter V of San Francisco Municipal Code



*Revised under the direction of*

N. R. McGRATH, Clerk of the Board of Supervisors

REF  
352  
SA52HE  
1947



SAN FRANCISCO  
PUBLIC LIBRARY

REFERENCE BOOK

*Not to be taken from the Library*

DOCUMENTS DEPT.  
SAN FRANCISCO  
PUBLIC LIBRARY

REF  
352  
SA52HE  
1947

S. F. PUBLIC LIBRARY

## CHAPTER V

# HEALTH CODE

- Article 1. Animals.
- Article 2. Communicable Diseases.
- Article 3. Hospitals.
- Article 4. Deceased Persons.
- Article 5. Public Health—General.
- Article 6. Garbage and Refuse.
- Article 7. Laundries.
- Article 8. Food and Food Products.
- Article 9. Milk, Cream and Milk Food Products.
- Article 10. Meat and Meat Products.
- Article 11. Nuisances.
- Article 12. Sanitation—General.
- Article 13. Poultry and Poultry Dealers.

### ARTICLE 1

#### ANIMALS

- Sec. 1. Report of diseases of animals required.
- Sec. 2. Penalty.
- Sec. 7. Contagious diseases of animals.
- Sec. 12. Keeping of cows.
- Sec. 17. Dog hospitals, kennels, etc.
- Sec. 22. Aisles in stables.
- Sec. 27. Stable permits.
- Sec. 32. Keeping of beef cattle.
- Sec. 37. Keeping and feeding of small animals, poultry and game birds.
  - (a) Enclosures.
  - (b) Prohibitions.
  - (c) Commercial purposes.
  - (d) Exceptions.
- Sec. 38. Penalty.
- Sec. 40. Dogs to be controlled so as not commit nuisances.
- Sec. 43. Seizure of stray dogs.
  - (a) Appointment of Poundkeeper.
  - (b) Stray animals, etc.
  - (c) Duty of Poundkeeper to seize and impound stray animals.
  - (d) Diseased animals, etc., to be destroyed.
  - (e) Procedure for sale, etc.
  - (f) Duty of police to take up strays, etc.
  - (g) Trespassing animals.
  - (h) Delivery to Poundkeeper by private persons.
  - (i) Redemption by owner, etc.
- Sec. 44. Seizure of stray dogs.
  - (a) Redemption of stray dogs.
  - (b) Sale or destruction of stray dogs.
  - (c) Duty of person taking possession of stray dog—Duty of Poundkeeper.
  - (d) Return of dog by Poundkeeper.
  - (e) Redemption of returned dog by owner.
  - (f) Permitting dogs to run in parks, etc., female dogs, etc.
- Sec. 45. Vicious and dangerous dogs.
  - (a) Procedure for determining what are vicious or dangerous dogs.

Sec. 46. Care of animals by poundkeeper.

- (a) Fines and charges upon impounded animals.
- (b) Release upon payment of charges, etc.—Exception.
- (c) Record of Poundkeeper.
- (d) Deposit of moneys—Reports.
- (e) Appointment and duties of deputy poundkeepers.
- (f) Badges.
- (g) Duty of general public.
- (h) Salary of Poundkeeper.
- (i) Bond of Poundkeeper.
- (j) Violations.

Sec. 47. Penalty.

Sec. 48. Unlawful to sell fowl or rabbits as pets or novelties.

**SEC. 1. Report of Diseases of Animals Required.** Every veterinary physician or surgeon, and every person practicing as such, and every person owning or having animals in his care within the City and County of San Francisco, shall present to the Department of Public Health of said city and county a written notice of the existence of any and every case of glanders or farcy or other contagious or infectious disease in animals, which may have come under his observation or to his knowledge, which notice shall be given within two (2) days thereafter, and shall contain the name and residence of the possessor of the animal so diseased so far as the same can be ascertained, a description of the animal, and where last seen by the person giving the notice, and be signed by him.

**SEC. 2. Penalty.** Any person violating any of the provisions of Section 1 of this Article shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than Twenty (\$20.00) Dollars nor more than Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail not less than twenty (20) days nor more than six (6) months.

**SEC. 7. Contagious Diseases of Animals.** No animal affected with any infectious or contagious disease shall be brought or kept within the limits of the City and County of San Francisco, except by permission of the Department of Public Health of said city and county.

It is hereby made the duty of all persons having any knowledge thereof to report promptly to said Department of Public Health all cases of animals affected with any infectious or contagious disease, and all cases which may be regarded as suspicious, or which exhibit symptoms of any contagious or infectious disease.

The Department of Public Health shall, upon locating any animal sick as aforesaid, at once order a quarantine against the premises in which said animal is kept, said quarantine to operate only against the exposure of animals to contagion or infection, and shall not be a bar to any person from entering or leaving said premises, unless the disease with which the animal is affected is dangerous to mankind.

The owner or custodian of any sick animal as aforesaid must, upon demand by the Department of Public Health, show to the satisfaction of said Department that he or she is competent to properly care for said animal, or that the animal is under the care of a veterinary surgeon.

If any developed case of sickness shall be pronounced incurable by the said Department, or by its designated veterinary surgeon, said Department is hereby authorized, empowered and directed to kill the animal so infected with incurable sickness, and to make such disposition of the carcass thereof as it may deem best; provided, however, that if the owner or manager of said animal at the time of such decree has employed a recognized veterinary surgeon to treat the animal and said veterinarian does not agree with the Department of Public Health as to the impossibility of effecting a cure, then and in that event the owner or manager of such animal shall be given the benefit of the doubt, and a reasonable time, not to exceed thirty (30) days, shall be allowed such owner or manager in which to demonstrate to the Department of Public Health that the animal can be cured; and, provided further, that no carcass of any animal dead of an infectious or contagious disease, or killed on account thereof, shall be buried within five hundred (500) feet of any residence.

**SEC. 12. Keeping of Cows.** It shall be unlawful for any person, firm or corporation to keep or cause to be kept any cows within the limits of the City and County of San Francisco, except as herein provided.



Any person, firm or corporation may keep one (1) cow upon any lot within the city and county, subject to provisions of Section 27 of this Article and all other laws and ordinances regulating the erection and maintenance of stables.

Any person, firm or corporation may keep two (2) or more cows if the person, firm or corporation so keeping the same shall set apart for the use of each two (2) cows so kept at least one (1) acre of land, and such cows shall have full access thereto.

The provisions of this section shall not apply to cattle temporarily confined for slaughtering purposes, nor to cattle in transit.

**SEC. 17. Dog Hospitals, Kennels, Etc.** It shall be unlawful for any person, firm or corporation, or association, to erect, establish or maintain any dog hospital, dog kennel, or hospital for sick animals within the City and County of San Francisco, without permission first obtained from the Department of Public Health.

**SEC. 22. Aisles in Stables.** In all stables where horses are kept and vehicles are stored, it shall be unlawful to obstruct the aisles or passageways with wagons, vehicles or otherwise, so as to prevent free access from the street to the stalls where the horses are kept, and a clear passageway shall be kept open at least eight (8) feet wide from the main entrance to such stalls.

**SEC. 27. Stable Permits.** It shall be unlawful to construct and maintain a stable, or to maintain an existing stable for one (1) or more horses, donkeys, mules, cows, goats or livestock without a permit therefor from the Department of Public Health. The provisions of this section and the provisions of Part II, Chapter I, of the Municipal Code shall not apply in cases where not more than two (2) female goats are kept for the exclusive use of the owner's family.

No permit shall be granted for a stable hereafter to be constructed and maintained, or for the future maintenance as a stable of a building not used as such, except on the report of the Department of Public Health, or other satisfactory evidence, that the proposed place of construction or maintenance of such stable is unobjectionable from the point of view of sanitation and of the health and physical welfare of the inhabitants of the immediate neighborhood of its location.

The Department of Public Health shall not refuse a permit for the maintenance of a stable in a building now constructed and maintained as a stable except upon satisfactory evidence that such stable is conducted in an insanitary manner and the failure to remove the objection to the manner of its maintenance within a time to be prescribed by said Department.

A permit granted hereunder is subject to revocation by the Department of Public Health.

No permit shall be refused or revoked by the Department of Public Health except after a full hearing, and then only in the exercise of a sound and reasonable discretion by said Department.

**SEC. 32. Keeping of Beef Cattle.** It shall be unlawful for any person, firm or corporation to keep or cause to be kept, any beef cattle within the boundaries of the City and County of San Francisco, excepting as hereinafter provided:

For the sole purpose of loading, unloading and confining in corrals of beef cattle en route to the slaughtering houses, the provisions of this section shall not apply to that part of the city and county bounded and described as follows:

Commencing at the intersection of the southerly line of Islais Creek with the southwesterly line of Arthur avenue and running thence southeasterly along the southwesterly line of Arthur avenue to the northeasterly line of Ingalls street; thence southwesterly along the northeasterly line of Ingalls street to the southwesterly line of Galvez avenue; thence northwesterly along the southwesterly line of Galvez avenue to the southeasterly line of Third street; thence southwesterly along the southeasterly line of Third street to the northeasterly line of Jerrold avenue; thence northwesterly along the northeasterly line of Jerrold avenue to the northwesterly line of Phelps street; thence along Phelps street in a southerly direction to Newcomb avenue; thence along Newcomb avenue to Quint street; thence along Quint street in a southerly direction to Scotia avenue; thence along Scotia avenue to Silver avenue; thence along Silver avenue to Augusta street; thence along Augusta street to Elmira street; thence along Elmira street to Islais Creek channel; thence westerly to the tracks of the Ocean Shore Railway; thence northerly along the tracks of the Ocean Shore Railway to Napoleon street; thence along Napoleon street to Islais Creek; thence along Islais Creek to Third street; thence along Third street to the point of commencement.

**SEC. 37. Keeping and Feeding of Small Animals, Poultry and Game Birds.** It shall be unlawful for any person, firm or corporation to keep or feed, or cause to be kept or fed, or permit to be kept or fed, on premises over which any such person, firm or corporation may have control more than four (4) of the following: Live hares, rabbits, guinea pigs, chickens, turkeys, geese, ducks, doves, pigeons, parrots, of any species, game birds of any species, wild animals of any species, or cats, within the first and second residential districts as at present defined by existing law, or as may hereafter be defined by the City Planning Commission of the City and County of San Francisco.

(a) **Enclosures.** Any person, firm or corporation, keeping, feeding, or causing to be kept or fed, or permitting to be kept or fed, on premises over which such person, firm or corporation may have control, four (4) or less live hares, rabbits, guinea pigs, chickens, turkeys, geese, ducks, doves, pigeons, game birds of any species or wild animals of any species, shall keep same in coops or enclosures that are approved by the Director of Public Health. Said coops or enclosures shall be not less than twenty (20) feet from any door or window of any building used for human habitation.

If after due investigation, in the opinion of the Director of Public Health, the keeping or feeding of four (4) or less live hares, rabbits, guinea pigs, chickens, turkeys, geese, ducks, doves, pigeons, parrots of any species, game birds of any species, wild animals of any species, or cats, is not done in a sanitary manner, the Director of Public Health may serve written notice on the person, firm or corporation to remove same from the premises within thirty (30) days.

(b) **Prohibition.** It shall be unlawful for any person, firm or corporation to engage in the business of keeping, feeding, or breeding any hares, rabbits, guinea pigs, chickens, turkeys, geese, ducks, doves, pigeons, parrots of any species, game birds of any species, dogs, cats, for commercial purposes, within the first and second residential districts as defined by existing law.

(c) **Commercial Purposes.** It is hereby declared to be unlawful to conduct for commercial purposes any establishment in which dogs, cats, hares, rabbits, guinea pigs, chickens, turkeys, geese, ducks, doves, pigeons, parrots of any species, game birds of any species, are kept and maintained in the Commercial District, Light Industrial District and Heavy Industrial District, as these districts are at present defined by existing law or as may hereafter be defined by the City Planning Commission of the City and County of San Francisco, without first obtaining from the Department of Public Health a permit so to do.

No permit shall be issued by the Department of Public Health to any person, firm or corporation, to keep or maintain for commercial purposes any of the above named fowl, animals or birds within the Commercial, Light Industrial or Heavy Industrial District as at present defined by existing law, or as may hereafter be defined by the City Planning Commission of the City and County of San Francisco, unless said person, firm or corporation has complied in full with the following requirements:

(1) It shall be unlawful to establish hereafter any place of business for the sale of the fowl, animals or birds specified above within twenty-five (25) feet of any door, window or other opening of any dwelling, apartment house or hotel if live fowl, animals or birds intended for sale are kept therein. It shall be unlawful to keep said live fowl, animals or birds in any basement, sub-basement or cellar in any place of business unless such basement, sub-basement or cellar is adequately ventilated as approved by the Director of Public Health and is also adequately lighted, completely ratproofed and complies fully with the sanitary requirements set forth in Section 440, Article 8, Chapter V of this Code.

(2) It shall be the duty of the Director of Public Health and he is hereby expressly empowered to prescribe to the owners of existing establishments wherein such live fowl, animals or birds are kept for purposes of sale, such sanitary improvements as may appear to the Director of Public Health to be necessary and advisable and such systems and methods of ventilation of basements, sub-basements and cellars above referred to as may appear desirable for gradual installation during the present war emergency if the equipment and materials therefor are available. It shall be unlawful after the present war emergency has terminated to keep any of the live fowl, animals or birds hereinabove specified in any basement or sub-basement or cellar unless such basement, sub-basement or cellar is adequately ventilated as approved by the Director of Public Health and complies fully with the sanitary requirements of this Code; provided, that the owners of said establishment shall have a reasonable period of time to be prescribed by the Director of Public Health

following the termination of said war emergency to obtain necessary material and equipment to comply with this provision.

(3) The floors of all such premises must be constructed of waterproof material properly drained to the sewer.

(4) Said premises shall be ratproof, all openings properly flyscreened, and adequate provision must be made for the elimination of all odors.

(5) The walls and ceilings of all such premises must be of hard finished plaster, painted with two (2) coats of lead and oil paint, light in color.

(6) In all premises where slaughtering of fowl, birds or animals is carried on in connection with the keeping of said fowl, birds or animals, the killing room must be entirely separate from that part of the premises occupied by the live fowl, animals or birds.

The floors of said slaughtering room must be of water-proof material, properly drained to the sewer. The walls and ceilings must be of hard-finished plaster and painted two (2) coats of lead and oil paint, light in color. Refrigerating equipment must be installed for the reception of the dressed fowl, birds or animals, properly connected to the sewer. Toilet and lavatory facilities for the use of the employees engaged in the handling and slaughtering of such birds, animals or fowl must be installed in conformity with the provisions of the plumbing law.

(d) **Exceptions.** The terms and provisions of this section shall not apply to the keeping, liberation for exercise, or racing of homing or carrier pigeons which are not raised or kept for the market or for commercial purposes, and the lofts or pigeon houses wherein said homing or carrier pigeons are kept are elevated at least three (3) feet above the ground or other foundation upon post-legs or pillars completely surrounded or covered by smooth, jointless galvanized sheet metal and within not less than twenty (20) feet from the door or window of any building used for human habitation, and the entire floor and sides for at least two (2) feet extending upwards from the bottom of the floor of said lofts or pigeon houses, are covered or protected by galvanized iron or its equivalent, concrete or eighteen (18) gauge wire mesh of not more than one-half ( $\frac{1}{2}$ ) inch and the interior of said lots or pigeon houses, wherein such carrier or homing pigeons are kept, are registered by the owners thereof with the Department of Public Health of the City and County of San Francisco, and the said lofts or pigeon houses shall be inspected by the said Department of Public Health of the City and County of San Francisco at least once a year.

**SEC. 38. Penalty.** Any person, firm or corporation violating any of the provisions of Section 37 of this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than One Hundred (\$100.00) Dollars, or by imprisonment in the County Jail for not more than thirty (30) days, or by both such fine and imprisonment.

**SEC. 40. Dogs to Be Controlled So As Not to Commit Nuisances.** (a) No person having the right and ability to prevent, shall knowingly, or carelessly or negligently, permit any dog or other animal to commit any nuisance upon any sidewalk of any public street, avenue, park, public square, or place in the City and County of San Francisco.

(b) **Citing of Violators.** (1) In any case in which it is lawful for a peace officer to arrest without a warrant a person for a violation of this section, he may, but need not, prepare in duplicate upon such form as the Chief of Police shall prescribe, a written citation directing said person to appear in court and containing the name and address of such person, the offense charged, and the time and place of court appearance. The time specified in said citation to appear shall be within five (5) days after the date of issuance and the place shall be before a Municipal Court judge of the City and County of San Francisco.

(2) Said peace officer shall deliver one (1) copy of said citation to the accused and said person, in order to secure his release, must give his written promise to appear in court at the stipulated time and place by signing the duplicate citation which shall be retained by the peace officer. Thereupon, the accused person shall forthwith be released.

(3) A complaint charging a violation of this ordinance shall be filed as soon as practicable before the magistrate.

(4) No warrant shall be issued on said charge for the arrest of a person who has given such written promise to appear unless and until he has violated such

promise to appear at the time and place specified in said citation, or if there is reasonable cause to believe that he will not so appear.

(5) Any person wilfully violating his written promise to appear in court is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally cited.

**SEC. 43. Public Pound, Establishment of.** A public pound is hereby provided, and the same shall be located and established at such place in the City and County of San Francisco as shall be fixed from time to time by the Poundkeeper hereinafter provided for.

(a) **Appointment of Poundkeeper.** The Board of Supervisors shall appoint some suitable person, firm, corporation or association as Poundkeeper, who shall have charge of the said public pound hereby provided and established.

(b) **Stray Animals, Etc.** It shall be unlawful for any person owning or having control or custody of any animal to permit or allow such animal to stray or run at large or be herded, or staked, or tied, or grazed, upon any public highway, or street, or alley, or court, or place, or public square, or public grounds, or upon any unfenced lot within the City and County of San Francisco. Provided, however, that all horses, mules, asses and oxen, harnessed or saddled and in the actual custody and control, at the time, of some person or persons, and licensed dogs, except as provided herein, are excepted from the operation of this section of this Article.

(c) **Duty of Poundkeeper to Seize and Impound Stray Animals.** It shall be the duty of the Poundkeeper to seize and impound, subject to the provisions of this section, all animals found upon any public highway, or street, or alley, or court, or place, or public square, or public grounds, or upon any unfenced lot within the City and County of San Francisco.

(d) **Diseased Animals, Etc., to Be Destroyed.** All animals so taken into the custody of the Poundkeeper, and which, by reason of age, or disease, or other cause, are unfit for further use or dangerous to keep impounded, shall be forthwith destroyed by the Poundkeeper.

(e) **Procedure for Sale, Etc.** All sheep, lambs, goats or hogs not so destroyed and not reclaimed or redeemed within forty-eight (48) hours after the same are so impounded, shall be advertised for sale by the Poundkeeper by written notice conspicuously posted at the entrance of the public pound for five (5) days after the expiration of said forty-eight (48) hours; and all colts and calves not so destroyed and not reclaimed or redeemed within forty-eight (48) hours after the same are so impounded shall be advertised for sale by the Poundkeeper by written notice conspicuously posted at the entrance of the public pound for five (5) days after the expiration of said forty-eight (48) hours, and shall also be advertised for sale by a notice published for one (1) day within said period of five (5) days in the official newspaper of said city and county; and all horses, mares, mules, asses, oxen, cows or bulls not so destroyed and not reclaimed or redeemed within forty-eight (48) hours after the same are so impounded shall be advertised for sale by the Poundkeeper by written notice conspicuously posted at the entrance of the public pound for twelve (12) days after the expiration of said period of forty-eight (48) hours and shall also be advertised as being impounded by a notice published for three (3) consecutive days within said period of twelve (12) days in a daily newspaper published in said city and county, and shall also be advertised for sale by a notice published for one (1) day within said period of twelve (12) days in the official newspaper of said city and county. Immediately after due advertisement as provided in this section, and at the hour of twelve (12) o'clock noon on the date stated in said notices, respectively, the Poundkeeper shall sell all animals so advertised, at public auction at the public pound, to the highest bidder for cash.

(f) **Duty of Police to Take Up Strays, Etc.** It shall be the duty of every police officer, while on duty, to take up and deliver to the public pound or to place in any stable that may be designated by the Chief of Police, any horse, mare, colt, mule, ass, cow or bull found running at large or trespassing on any private enclosure within the City and County of San Francisco, and to immediately notify the Poundkeeper in case any such animal be so placed in any stable, and it shall be the duty of any person in charge of such stable to immediately notify the Poundkeeper and to release such animal to the Poundkeeper upon his demand and the payment of One (\$1.00) Dollar at any time within twenty-four (24) hours after such animal is so placed therein and such notice given. Any person may take up and deliver to the public pound any animal which the Poundkeeper is, by the provisions of this section, required to impound.

(g) **Trespassing Animals.** Any animal found trespassing on any private enclosure in this city and county may be taken up by any person and delivered to the Poundkeeper.

(h) **Delivery to Poundkeeper by Private Persons.** Every person, other than a police officer, taking up any animal under the provisions of this section, shall immediately thereafter give notice thereof to the Poundkeeper, and every such person and any person in whose custody such animal may, in the meantime, be placed, shall deliver such animal to the Poundkeeper without fee or charge; and the Poundkeeper shall thereupon hold and dispose of such animal in the same manner as though such animal had been found running at large and impounded by him.

(i) **Redemption by Owner, Etc.** The owner or person entitled to the custody of any animal so impounded may, at any time before the sale or other disposition thereof, reclaim or redeem the same by paying to the Poundkeeper all fines and charges imposed thereon, as provided for herein.

**SEC. 44. Seizure of Stray Dogs.** The Poundkeeper shall seize and impound every dog found running at large or found upon any public highway or street, or alley, or court, or place, or public square, or public grounds or upon any unfenced lot or not within a sufficient enclosure within the City and County of San Francisco, whether in the immediate presence of the owner or otherwise; provided, however, that, except as provided hereinafter, no such seizure or impounding shall be made of any dog led by a string, rope or chain, or having around its neck or leg a license tag showing that such dog is duly licensed as required by any ordinance of the City and County of San Francisco.

(a) **Redemption of Stray Dogs.** The Poundkeeper shall keep any dog so impounded for a period of ninety-six (96) hours, unless the same be sooner reclaimed or redeemed by the owner or person having control thereof as hereinafter provided. Such redemption shall be made by exhibiting to the Poundkeeper the license certificate or license tag issued by the Tax Collector, showing that the license for such dog for the then current fiscal year has been paid, and by paying to the Poundkeeper the fine and charges hereinafter provided for. Upon such redemption being made the Poundkeeper shall release such dog; provided, however, that if the license for any such dog for the then current fiscal year was actually paid prior to the date of the impounding of such dog, and there shall be exhibited to the Poundkeeper as evidence of such payment said certificate or license tag, the fine hereinafter provided for shall be remitted, but in all cases the charges hereinafter provided for keeping such dog must be paid.

(b) **Sale or Destruction of Stray Dogs.** At any time after the expiration of said period of ninety-six (96) hours the Poundkeeper may, without further notice, and without advertising in any manner, sell at private sale or public auction, to the highest bidder, for cash, any dog not so reclaimed or redeemed as aforesaid. All dogs impounded and not so reclaimed, redeemed or sold shall forthwith be destroyed by the Poundkeeper. The owner of any dog at the time it is so impounded may, at any time within thirty (30) days after such sale, redeem the same from such purchaser by paying to him the amount of the purchase price paid by him to the Poundkeeper, and in addition thereto a sum equal to Twenty-five (25c) Cents per day for the number of days from the date of sale to and including the date of such redemption.

(c) **Duty of Person Taking Possession of Stray Dog—Duty of Poundkeeper.** It shall be the duty of every person who shall take into his possession any stray dog or any dog not owned by him or not placed in his possession by the person having the lawful custody and control thereof, immediately to notify the keeper of the public pound and to release such dog to the Poundkeeper upon demand and without charge. If there shall be attached to such dog a license tag for the then current fiscal year, said Poundkeeper shall notify in writing the person to whom such license was issued, at the address given in said license certificate, and shall, upon demand made within twenty-four (24) hours thereafter, and without charge, release such dog to such person; provided, however, that if no person lawfully entitled to such dog shall, within nine (9) days after the date of giving said last-mentioned notice, appear at the public pound and claim such dog, such dog may be sold or destroyed by the Poundkeeper in the manner hereinabove provided for unlicensed dogs.

(d) **Return of Dog by Poundkeeper.** If there is no license tag for the current fiscal year attached to any dog surrendered to the Poundkeeper as provided herein, and such dog has not been redeemed by its owner within ninety-six (96) hours

from the time of impounding such dog, the Poundkeeper may return such dog to the person who surrendered such dog, provided that such person procures a license for such dog for the current fiscal year.

(e) **Redemption of Returned Dog by Owner.** The owner of any dog at the time it is so impounded may, at any time within thirty (30) days after such dog has been returned to the person surrendering such dog to the Poundkeeper, redeem the same from such person by paying to him the amount he paid for the license tag, and in addition thereto a sum equal to Twenty-five (25c) Cents per day for the number of days from the date of receiving such dog from the Poundkeeper, to and including the date of such redemption.

(f) **Permitting Dogs to Run in Parks, Etc., Female Dogs, Etc.** It shall be unlawful for the owner or person having control of any dog to suffer or permit the same, under any circumstances, to run at large in any public park or public square or to suffer or permit any female dog to run at large while said dog is in the copulating season, and every dog found running at large in violation of the provisions of this section shall be immediately seized and impounded in the public pound.

**SEC. 45. Vicious and Dangerous Dogs.** If any dog within the City and County of San Francisco is known to be vicious or dangerous to the safety of any person or animal, and the owner or person having control of such dog shall allow such dog to run at large, after being notified in writing by the Director of Public Health to keep such dog within a secure enclosure unless such dog is adequately muzzled, such owner or person having control of such dog shall be guilty of a misdemeanor.

(a) **Procedure for Determining What Are Vicious or Dangerous Dogs.** If any dog within the City and County of San Francisco shall bite any person or animal, and the person or animal so bitten was not at the time trespassing upon the person or property of the owner or person having control of such dog, or if it cannot be proved beyond a reasonable doubt that the person so bitten was provoking or teasing such dog without cause, the owner or person having control of such dog shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punishable as herein provided; and if upon the trial of any such person the court shall determine that such dog is vicious or dangerous to persons or other animals, the court may order that such dog be muzzled, or that such dog be kept within a sufficient enclosure, or that such dog be delivered to the Poundkeeper and by him destroyed. Upon written notice by the Director of Public Health, the owner or person having control of any dog which has within the preceding seventy-two (72) hours bitten any person or animal, shall, upon demand, surrender such dog to the Poundkeeper, who shall impound and keep such dog at the public pound, in a separate kennel, for a period not less than fourteen (14) days; during said period it shall be the duty of the Director of Public Health, upon being notified by the Poundkeeper that such dog has been impounded, to determine whether or not such dog is suffering from any disease. If the Director of Public Health shall determine that such dog is diseased and, by reason of such disease, is dangerous to persons or to other animals, he shall so notify the Poundkeeper, in writing, to destroy such dog. A copy of said notice may also be served upon the owner or person having control of such dog. If the Director of Public Health shall determine that such dog is not so diseased, and if the license required for such dog shall have been duly paid for the then current fiscal year, the Poundkeeper shall notify by mail the person to whom the license for such dog was issued and at the address from which the dog was surrendered to the Poundkeeper, and shall, upon demand, release such dog to the owner or person lawfully entitled thereto, upon payment of One Dollar and Fifty Cents (\$1.50) for the keep of such dog; provided, however, that if no person lawfully entitled to such dog shall, within five (5) days after the date of giving said last-mentioned notice, appear at the public pound and request the release of such dog, and pay said charges, such dog may be sold or destroyed by the Poundkeeper in the same manner hereinabove provided.

**SEC. 46. Care of Animals by Poundkeeper.** The Poundkeeper shall provide all animals in his custody with proper food and water, and shall give them all necessary care and attention.

(a) **Fines and Charges Upon Impounded Animals.** The fines and charges upon animals impounded shall be as follows:

(1) For every horse, mare, mule, ass, ox, cow, bull, colt or calf over the age of six (6) months, a fine of Four (\$4.00) Dollars and an additional charge as follows: One (\$1.00) Dollar per day for keeping, and of One (\$1.00) Dollar additional

if advertised, and of One (\$1.00) Dollar if received from a stable, as hereinafter provided;

(2) For every colt or calf under the age of six (6) months, and for every sheep, lamb, goat or hog, a fine of Two (\$2.00) Dollars and a charge of Fifty (50c) Cents per day for keeping, and of One (\$1.00) Dollar additional if advertised;

(3) For every unlicensed dog, a fine of Two Dollars and Fifty Cents (\$2.50) and a charge of Twenty-five (25c) Cents per day for keeping;

(4) For every licensed dog impounded in violation of any of the provisions of Sections 43 to 46 of this Article, a fine of One (\$1.00) Dollar and a charge of Twenty-five (25c) Cents a day for keeping;

(5) For every other animal, a fine of Two Dollars and Fifty Cents (\$2.50) and a charge of Fifty (50c) Cents per day for keeping.

(b) **Release Upon Payment of Charges, Etc.—Exceptions.** No animal shall, under any circumstances, be released by the Poundkeeper or his deputies until all the fines and charges imposed thereon, as provided by this section, shall have been paid. Provided, however, that any dog which may be of service to the armed forces of the United States of America during time of war and which dog shall have been requisitioned for such purposes by the duly appointed procurement agency, may be released to said agency by the Poundkeeper or his deputies without charge; and provided further, that if it shall be made to appear to the Poundkeeper that any of the animals impounded by him, mentioned in subdivision (1) of sub-section (a) hereof, have broken out, or were let out, of the fenced enclosure of the owner without fault on his part, the Poundkeeper shall release the said animals without charge. If the said Poundkeeper refuses to release any such animal, and the owner pays the demanded charges, the owner may apply by petition to the Board of Supervisors to have such charges refunded, and the Board of Supervisors shall order the repayment, without cost to the owner, of the charges so paid if it shall appear that the said animals broke out, or were let out, of the fenced enclosure of the owner without fault on his part.

(c) **Record of Poundkeeper.** The Poundkeeper shall keep a record of the number, description and disposition of all animals impounded, showing in detail in the case of each animal the date of receipt, the date and manner of disposal, the manner and time of advertising for sale, the name of the person reclaiming, redeeming or purchasing, the reason for destruction, and the fines and charges and proceeds of sales received on account thereof, and such additional records as the Controller may prescribe. Such records shall be kept by the Poundkeeper in a book or books provided for that purpose, which shall be the record book or books of the office of the Poundkeeper and shall not be removed therefrom except upon written order from a duly constituted authority.

(d) **Deposit of Moneys—Reports.** All moneys received by the Poundkeeper as provided for herein shall be deposited in the General Fund and shall be by him delivered daily to the Treasurer of the City and County of San Francisco in accordance with the provisions of the Charter of said city and county.

The Poundkeeper shall file with the Controller of the City and County of San Francisco such reports under oath as the Controller may require.

(e) **Appointment and Duties of Deputy Poundkeepers.** The Poundkeeper may at any time appoint, at his own expense, as hereinafter provided, as many Deputy Poundkeepers as he may require to properly discharge the duties required of him by this section. The authority of the said Deputy Poundkeepers shall be the same as the authority of the Poundkeeper himself as to apprehending, taking up, arresting, catching, driving to and receiving into the public pound any of the animals named in any of the sections of this Article.

(f) **Badges.** The Poundkeeper and his deputies, while engaged in the execution of their duties, shall each wear in plain view a badge having in the case of the Poundkeeper, the word "Poundkeeper," and in the case of the Deputy Poundkeeper the words "Deputy Poundkeeper," engraved thereon.

(g) **Duty of General Public.** It shall be unlawful for any person to resist or obstruct the Poundkeeper or any of his deputies in the exercise of his duties as such Poundkeeper or Deputy Poundkeeper.

(h) **Salary of Poundkeeper.** The Poundkeeper shall not receive any stated salary as compensation for the performance of the duties of his office, but in lieu of salary he shall be entitled to be paid monthly one-twelfth (1/12th) of such moneys as the Board of Supervisors may annually set aside for this pur-



pose, subject to the provisions of the Annual Appropriation Ordinance, out of which the Poundkeeper shall pay all necessary expenses of the said public pound, including rent of public pound, payment for the service of his deputies, subsistence for animals impounded, and all other expenses connected with the equipment and maintenance of the said public pound, and the impounding and disposal of animals impounded.

(i) **Bond of Poundkeeper.** The Poundkeeper, within five (5) days after his appointment, and before entering upon the discharge of his official duties, shall give and execute to the City and County of San Francisco his official bond in the sum of Five Thousand (\$5,000.00) Dollars, conditioned for the faithful performance of his official duties as such Poundkeeper, with two (2) or more sureties to be approved by the Mayor and Controller of the City and County of San Francisco, which official bond, when approved, shall be recorded, at the expense of the Poundkeeper, in the office of the Recorder of the City and County of San Francisco, in the Records of Official Bonds, and shall thereafter be filed and kept in the office of the Controller of said city and county.

(j) **Violations.** If the Poundkeeper, or anyone in his employ, shall knowingly sell or give any impounded animal to any person, firm, corporation, association, medical college or university of the State for the purpose of animal experimentation, the offender shall be guilty of a misdemeanor.

Any person, firm or corporation who, by or through fraud, misrepresentation, coercion or threats, induces any violation of the foregoing provisions, shall also be guilty of a misdemeanor.

**SEC. 47. Penalty.** Any person violating any of the provisions of Sections 43 to 46, inclusive, of this Article, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than Five (\$5.00) Dollars nor more than Fifty (\$50.00) Dollars, or by imprisonment in the County Jail not less than twenty-four (24) hours nor more than ten (10) days, or by both such fine and imprisonment.

**SEC. 48. Unlawful to Sell Fowl or Rabbits as Pets or Novelties.** (a) It shall be unlawful for any person, firm or corporation to display, sell, offer for sale, barter or give away any baby chicks, rabbits, ducklings or other fowl as pets or novelties, whether or not dyed, colored, or otherwise artificially treated.

(b) This section shall not be construed to prohibit the display or sale of natural chicks, rabbits, ducklings or other fowl in proper facilities by dealers, hatcheries or stores engaged in the business of selling the same to be raised for food purposes.

(c) Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Five (\$5.00) Dollars nor more than Fifty (\$50.00) Dollars for each and every offense.

## ARTICLE 2

### COMMUNICABLE DISEASES

Sec. 72. Quarantine powers.

Sec. 73. Quarantine and/or examination for venereal disease.

Sec. 77. Prevention of spread of disease.

- (a) Reports of physicians and others.
- (b) Observation of rules, etc.
- (c) Interference with officers, etc.
- (d) Posting of notices.
- (e) Reports of masters, etc., of vessels.
- (f) Quarantine of premises.
- (g) Notice to Department.
- (h) Duties of undertakers and others in cases of death.
- (i) Removal of afflicted persons without permit.
- (j) Negligence of persons exposed to disease.
- (k) Duties regarding children of school age.

Sec. 82. Prevention of spread of communicable diseases.

Sec. 87. Removal of persons afflicted with contagious diseases.



## Sec. 92. Bubonic plague—Rat control.

- (a) Authority of Director.
- (b) Buildings, exclusion of rats in.
- (c) Docks, etc., exclusion of rats.

## Sec. 93. Rat shields.

- (a) Duty of owner, etc.
- (b) Slaughterhouses, exclusion of rats.
- (c) Nuisance, abatement procedure.
- (d) Dumping of waste matter prohibited.

## Sec. 98. Tuberculosis.

- (a) Reports of physicians and others.
- (b) Sputum examination.
- (c) Registration of reports, etc.
- (d) Notice of vacation of premises by tubercular patient.
- (e) Disinfection of premises.
- (f) Posting of notice.
- (g) Safe disposal of sputum, etc.
- (h) Removal of patient, etc.
- (i) Procedure and precautions to be taken.
- (j) Violations.
- (k) Children of school age.
- (l) Recovery reports.

## Sec. 103. Prohibiting importation and sale of ground squirrels.

## Sec. 104. Penalty.

**SEC. 72. Quarantine Powers.** The Department of Public Health of this city and county is hereby authorized and empowered to quarantine persons, houses, places and districts within this city and county, when in its judgment it is deemed necessary to prevent the spreading of contagious or infectious diseases.

**SEC. 73. Quarantine and/or Examination for Venereal Disease.** (a) The Director of Public Health or his duly authorized deputy, is hereby authorized and directed to quarantine and/or examine any person of either sex whom he has reasonable grounds to believe is afflicted with a venereal disease and is likely to expose others thereto.

(b) Owing to the prevalence of such diseases among sex offenders, the arrest of any person of either sex for (1) vagrancy involving a sex offense, prostitution, being a keeper, inmate, employee, or frequenter of a house of ill fame, prostitution, or assignation, being a lewd or dissolute person, or (2) adultery, lewd or lascivious conduct, or other criminal charge involving a sex offense; is to be considered and is hereby declared to furnish reasonable grounds for the examination provided for in the preceding subsection; provided, however, it shall be the duty of the Director of Public Health or his duly authorized deputy to examine into each such arrest and the circumstances leading thereto, in order to determine whether there exists in fact reasonable grounds to believe the arrested person to be afflicted with a venereal disease. The term "prostitution" as used in this subsection shall include the giving or receiving of the body for sexual intercourse for hire and the giving or receiving of the body for indiscriminate sexual intercourse without hire.

(c) In furtherance of the purpose of the two preceding subsections, the Director of Public Health, or his duly-authorized deputy shall have the power to quarantine and/or examine in such manner and by such methods as modern science has found to be proper, all persons taken into custody by the Police Department of the City and County of San Francisco who are suspected by the Director of Public Health or his duly-authorized deputy of being afflicted with any venereal disease.

(d) No person convicted of any of the charges mentioned in subsection (b) of this section shall be released until examined for such venereal diseases by the Director of Public Health, his deputy or assistants.

(e) When any minor has acquired a venereal disease, his or her parents or guardians shall be legally responsible for the compliance of such minors with the requirements of the rules and regulations pertaining to venereal diseases.

(f) In addition to the power and duties herein mentioned and the other powers and duties imposed upon him, the said Director of Public Health shall have the

power to and shall make and promulgate such rules and regulations as are reasonably necessary for the prevention and control of venereal disease in this city and county and to effectuate the provisions of this section.

(g) Nothing in this section shall be construed to require that any person who adheres to the faith or teachings of any well recognized religious sect, denomination or organization, and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion, shall submit to or receive any medical or physical treatment; but such person, if found to be afflicted with any venereal disease, shall be subject to isolation or quarantine in accordance with this section and the law of the State of California.

(h) If any subsection, subdivision, paragraph, sentence, clause or phrase of this section is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The Board of Supervisors hereby declares that it would have passed this section, and each subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more other subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional.

**SEC. 77. Prevention of Spread of Disease.** The term "contagious disease" shall include every disease of an infectious, contagious or pestilential nature, particularly cholera, yellow fever, smallpox, varicella, pulmonary tuberculosis, diphtheria, membranous croup, scarlet fever, typhus fever, measles, pneumonia and every other disease publicly declared by the Department of Public Health to be dangerous to the public health.

(a) **Reports of Physicians and Others.** Every physician must report in writing to the Department of Public Health within twenty-four (24) hours after he has been called to attend any person affected with any infectious, contagious or pestilential disease, the name and place of residence of such person and the name and state of the disease. In the event of the death of any person afflicted with any such disease, the attending physician must report in writing to the Department of Public Health within twenty-four (24) hours thereafter, the name and place of residence of the deceased and the specific name and type of such disease.

Every physician, and every person having the control or management of any public or private institution or dispensary, shall report in writing to the Department of Public Health the name, age, sex, occupation and place of residence of every person afflicted with pulmonary tuberculosis who shall have come under his care, within one (1) week thereafter.

(b) **Observation of Rules, Etc.** Every person afflicted with pulmonary tuberculosis, and every person in attendance upon any person so afflicted, and every person in charge of any private or public hospital or dispensary, shall observe and enforce all sanitary rules and regulations adopted by the Department of Public Health to prevent the spread of pulmonary tuberculosis.

(c) **Interference With Officers, Etc.** It shall be unlawful for any person to interfere with or obstruct the officers or inspectors of the Department of Public Health, in the examination of any building or premises wherein a person is reported to be afflicted with any infectious, contagious or pestilential disease.

(d) **Posting of Notices.** The Department of Public Health is hereby authorized and empowered to post in a conspicuous place upon any building or premises wherein any person is afflicted with any infectious, contagious or pestilential disease, a notice specifying the name of such disease. It shall be unlawful for any person to interfere with the posting of such notice or to tear down or mutilate any notice so posted by the Department of Public Health in or upon any building or premises.

(e) **Reports of Masters, Etc., of Vessels.** The master or chief officer of every vessel within one-fourth ( $\frac{1}{4}$ ) of a mile of any wharf, dock, pier or any building in this city and county, and not in quarantine or within the quarantine limits, shall report daily, in writing, to the Department of Public Health the name of any person on such vessel afflicted with any infectious, contagious or pestilential disease, the name and particulars of such disease and the condition of the person afflicted therewith.

The master or chief officer of any vessel which shall arrive in this port, and every physician who practiced on such vessel, shall, immediately upon arrival, report in writing to the Department of Public Health all facts concerning any person who may have been afflicted with any infectious, contagious or pestilential disease during the voyage to this port, and also all the acts concerning any person or thing carried

on such vessel during such voyage which, in his opinion, may endanger the public health of this city and county.

(f) **Quarantine of Premises.** Whenever the Department of Public Health shall have reason to suspect the presence of an infectious, contagious or pestilential disease within any building or premises, and the physician in attendance or the head of the family refuses to permit the representative of the Department of Public Health to examine the person suspected of being afflicted with such disease, the Department of Public Health shall quarantine the premises and prevent egress and ingress from and to the same until such examination is permitted or until said Department has practiced disinfection and detention to its satisfaction.

(g) **Notice to Department.** Whenever any person residing in a hotel, boarding house, lodging house or tenement house is afflicted with any infectious, contagious or pestilential disease, the owner, lessee, keeper or manager of such place must immediately give notice thereof to the Department of Public Health. Immediately upon the receipt of such notice the Department of Public Health must cause an examination of the person so afflicted, and, if in its judgment it be necessary, he shall cause such hotel, boarding house, lodging house or tenement house, or any part thereof, to be immediately cleansed and disinfected in an effective manner; and the Department of Public Health may cause the walls thereof to be white-washed, or any wall paper thereon to be removed or replaced; and he may cause the bedding and bed clothes used by the person so afflicted to be thoroughly cleansed, scoured and fumigated, or, if necessary, to be destroyed.

(h) **Duties of Undertakers and Others in Cases of Death.** Every undertaker employed to manage the interment of any person who has died of any infectious, contagious or pestilential disease must give immediate notice thereof to the Department of Public Health. It shall be unlawful for an undertaker to retain, or expose or assist in the detention or exposure of the dead body of any such person unless the same be in a coffin or casket, properly sealed, or to allow any such body to be placed in a coffin or casket unless such body has been thoroughly disinfected and wrapped in a sheet saturated with a one five-hundredth (1/500) solution of bi-chloride of mercury, and unless the coffin or casket is of metallic substance and hermetically sealed immediately after the body has been placed therein.

It shall be unlawful for any person to remove the body of any person who has died from an infectious, contagious or pestilential disease from the room in which the death occurred, except for burial or cremation; and the body of any person so dying must be interred or cremated within twenty-four (24) hours after the time of death; provided, however, that the Department of Public Health may by special permit, good cause appearing therefor, extend such time; but in no case shall such extension be for more than thirty-six (36) hours from the time of death.

It shall be unlawful for any person having the possession or charge of the remains of any person who shall have died of any infectious, contagious or pestilential disease to permit such remains to be viewed by any person except the attending physician, the representatives of the Department of Public Health, the undertaker, and his assistants, and the immediate members of the family of the decedent, or to permit formal services to be held over such remains within the premises where the death of such person occurred, or to remove or cause to be removed the body of such deceased person from said premises to any place other than a cemetery or crematory.

It shall be unlawful for any undertaker to assist in a public or church funeral of the body of any person who has died of an infectious, contagious or pestilential disease.

(i) **Removal of Afflicted Persons Without Permit.** It shall be unlawful for any person, without a written permit from the Department of Public Health to remove, or cause to be removed, any person afflicted with an infectious, contagious or pestilential disease, from any building to any other building, or from any vessel to any other vessel, or to the shore, or to any public vehicle.

It shall be unlawful for any person to remove, or cause to be removed, any person afflicted with an infectious, contagious or pestilential disease from any building to any other building, or hospital, unless said patient is wrapped in a sterile sheet. All clothing, including bed clothes and mattresses, used by the patient shall be thoroughly fumigated after patient has been removed. The interior of all ambulances or other vehicles used for the purpose of removing such patients

shall be thoroughly washed with a disinfecting solution immediately following such use.

(j) **Negligence of Persons Exposed to Disease.** It shall be unlawful for any person having charge or control of any person afflicted with an infectious, contagious or pestilential disease, or having control of the dead body of any person who has died of any such disease, to cause or contribute to the spread of any such disease by any negligent act in the care of such sick person or such dead body, or by the needless exposure of himself in the community.

(k) **Duties Regarding Children of School Age.** It shall be unlawful for any principal or superintendent of any public or private school, or any parent, guardian or custodian of any minor child afflicted with an infectious, contagious or pestilential disease, or in whose household any person is so afflicted, to permit such minor to attend any public or private school until the Department of Public Health shall have given its written permission therefor.

**SEC. 82. Prevention of Spread of Communicable Diseases.** The Department of Public Health shall, at its discretion, send to the superintendents, principals and teachers of all public, parochial and private schools, circulars at least once in each school year, prepared under the direction of the Director of Public Health, giving a description of the symptoms of the communicable diseases of children and of the parasitic diseases of the skin, including pediculosis, scabies and favus.

The Department of Public Health shall, upon obtaining information as to the existence of a case of tuberculosis or pneumonia, send to the physician, surgeon, nurse or other person attending the case, printed circulars, giving, in clear and simple language, information concerning the communicability, dangers and methods of prevention of tuberculosis or pneumonia as the case may be, together with a request that the circulars be given to the patient or to a responsible member of his family.

The Department of Public Health, upon the request of a physician, surgeon, nurse or other person attending a case of tuberculosis, shall send a representative to the house of the patient to give information concerning the communicability, dangers and methods of prevention of tuberculosis.

The Department of Public Health shall, upon obtaining information as to the occurrence of a case of tuberculosis, in any tenement house, hotel, lodging house, boarding house, hospital, prison or asylum, send a representative to leave circulars and to give information as provided in this section.

The Director of Public Health, upon obtaining information as to the occurrence of a case of tuberculosis of any person unable to pay for medical assistance, shall send a Sanitary Inspector or City Physician to take charge of the case, and to report the same to the Department.

The Department of Public Health shall preserve all reports upon cases of tuberculosis, and the records of the same.

The Department of Public Health shall, once each year or oftener, if necessary, send to every physician, surgeon and nurse, printed circulars giving a description of the most approved methods of destruction or disinfection of the discharges of persons having actinomycosis, bronchitis, cholera, cholera infantum, diphtheria, dysentery, influenza, measles, pneumonia, rubella, scarlet fever, laryngeal and pulmonary tuberculosis and typhoid fever and all contagious diseases.

It shall be unlawful for any person or persons, firm or corporation, to obstruct or interfere with the said Department of Public Health, or any officer, agent or employee of said Department, in the performance of any of the duties required by this section and any person, persons, firm or corporation so obstructing or interfering with the said Department of Public Health or any officer, agent or employee of said Department shall be guilty of a misdemeanor.

**SEC. 87. Removal of Persons Afflicted With Contagious Diseases.** The Department of Public Health of the City and County of San Francisco is hereby authorized and empowered, whenever in its judgment it may be necessary for the protection of the public health and public safety, and for the prevention of the spread of smallpox, cholera, yellow fever, bubonic plague, typhus fever, poliomyelitis, diphtheria and scarlet fever, to remove or cause to be removed, any person or persons afflicted with any of said diseases who may be found residing in any hotel, lodging house, boarding house, tenement house, or any other place or places, or districts within the City and County of San Francisco, to such hospitals within the City and County of San Francisco as said Department of Public Health may designate.

**SEC. 92. Bubonic Plague—Rat Control.** This section and Section 93 hereof are designed to be and are enacted as a police and sanitary regulation for the protection of the public health, and particularly to prevent the propagation and spread of bubonic plague through the medium of rats.

(a) **Authority of Director.** The Director of Public Health of the City and County of San Francisco, or any agent or inspector appointed by him or by the Department of Public Health for the purpose, shall have authority, after announcing the purpose of his visit, and shall be permitted to enter any building or premises, or any part thereof, in the city and county between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon of any day, for the purpose of inspecting the same, and to ascertain whether the provisions of this section have been complied with by the owner and occupant thereof.

(b) **Buildings, Exclusion of Rats in.** All building and basement walls of all storerooms, warehouses, residences or other buildings within the city and county; all chicken yards or pens, chicken coops or houses, and all barns and stables, shall be so constructed or repaired as to prevent rats from being harbored underneath the same or within the walls thereof, and all food products or other products, goods, wares and merchandise liable to attract or to become infested or infected with rats, whether kept for sale or for any other purpose, shall be so protected as to prevent rats from gaining access thereto or coming in contact therewith. All storerooms, warehouses, residences or other buildings in said city and county shall be provided by the householder or his agent with one (1) or more traps of a pattern approved by the Director of Public Health, which traps shall be freshly baited at least twice each week by the householder or his agent, and shall be inspected daily by the householder or his agent, and any rat or rats caught therein shall be killed and delivered to the Department of Public Health, or its duly authorized deputy, or killed and then destroyed by burning, and such trap or traps thoroughly smoked and reset and rebaited by said householder or his agent.

(c) **Docks, Etc., Exclusion of Rats.** All public and private docks and wharves in the city and county, wherever located, shall be so protected as to prevent rats from gaining entrance to such docks or wharves, at either high or low tide, from vessels anchored or moored alongside of such docks or wharves, or from other sources, and all food products stored in docks or wharves shall be so kept and stored as to prevent rats from gaining access thereto or coming in contact therewith. All docks and wharves shall be provided with two (2) or more traps of a pattern approved by the Director of Public Health; traps shall be freshly baited at least twice each week, and shall be inspected daily, and all rats caught therein shall be killed and delivered to the Department of Public Health, or its duly authorized deputy, or killed and then destroyed by burning, and such trap or traps shall be thoroughly smoked and reset and rebaited.

**SEC. 93. Rat Shields.** It shall be unlawful to permit any vessel, steamboat, or other water craft, except vessels engaged in domestic commerce, to lie alongside of any wharf or dock in the City and County of San Francisco unless the chain, hawser, rope or line of any kind extending from any such vessel to the dock or wharf is equipped with and has properly and securely attached thereto a rat shield or guard of such design as shall be approved by the Director of Public Health or a person designated by him.

(a) **Duty of Owner, Etc.** It is hereby made the duty of the owner, agent, master or other officer in charge of any such vessel, steamboat, or other water craft to comply with all the provisions of this section.

Whenever plague, either the pneumonic or bubonic type, exists in any domestic port, all vessels engaged in domestic commerce touching at any such port shall comply with the provisions of this section.

(b) **Slaughterhouses, Exclusion of Rats.** All slaughterhouses of every kind and nature and wherever located in the city and county shall be so protected as to prevent rats from gaining access to the building or buildings thereof, and all holes and openings in the building or basement walls shall be thoroughly stopped with cement or other material approved by the Department of Public Health, and all food products stored in slaughterhouses shall be so kept as to prevent rats from coming in contact therewith.

All slaughterhouses shall have at least two (2) traps, or as many more traps as may be required by the Department of Public Health of pattern approved by said Department, which traps shall be baited with fresh bait at least twice a

week, and such traps shall be inspected daily by the owners, lessees or agents thereof, and all rats caught therein shall be killed and delivered to the Department of Public Health, or its duly authorized deputy, or killed and then destroyed by burning, and the trap or traps thoroughly smoked and reset and rebaited by said owners, lessees or their agents.

All buildings, places and premises whatsoever in the city and county shall at once be placed, and shall continuously be kept, by the owner or the occupant thereof in a clean and sanitary condition, and free from rats.

(c) **Nuisance, Abatement Procedure.** No person, firm or corporation shall have or permit upon any premises owned, occupied or controlled by him or it, any nuisance detrimental to health or any accumulation of filth, garbage, decaying animal or vegetable matter, or any animal or human excrement; and it shall be the duty of the Director of Public Health of the city and county to cause any such person, firm or corporation to be notified to abolish, abate and remove such nuisances, and in the case such person, firm or corporation shall fail, neglect or refuse to remove the same within one (1) day after receiving such notices, such nuisance may be removed and abated under and by order of the Director of Public Health, and the person, firm or corporation whose duty it was to abate or remove such nuisance, in addition to incurring penalties in this Article provided, shall become indebted to the city and county for the costs and charges incurred by the city and county by reason of the existence and removal of such nuisance.

(d) **Dumping of Waste Matter Prohibited.** No person, firm or corporation shall dump or place upon any land, or in any water or waterway, within the city and county, any dead animal, butchers' offal, fish or parts of fish, or any waste vegetable or animal matter whatever.

No person, firm or corporation, whether the owner, lessee, occupant or agent of any premises, shall keep or permit to be kept in any building, area way, or upon any premises, or in any alley, street or public place adjacent to any premises, any waste animal or vegetable matter, dead animals, butchers' offal, fish or parts of fish, swill or any refuse matter from any restaurant, eating place, residence, place of business or other building, unless the same be collected and kept in a tightly covered or closed metal can or vessel.

No rubbish, waste or manure shall be placed, left, dumped or permitted to accumulate or remain in any building, place or premises in the city and county so that the same shall or may afford food or a harboring or breeding place for rats.

**SEC. 98. Tuberculosis.** Tuberculosis is hereby declared to be a communicable disease, dangerous to the public health.

(a) **Reports of Physicians and Others.** It shall be the duty of every physician practicing in the City and County of San Francisco, and of every person in charge of any hospital, dispensary or other private or public institution in said city and county, to report in writing to the Department of Public Health the name, age, sex, color, occupation, address and place where last employed, of every person having tuberculosis which comes under his care or observation. Said reports shall be made in writing on a form furnished as hereinafter provided, and shall be forwarded to said Department of Public Health within twenty-four (24) hours after knowledge of the case comes to said physician or person.

(b) **Sputum Examination.** It shall be the duty of the Director of Public Health when so requested by any physician or by authorities of any hospital or dispensary to make or cause to be made a microscopical examination of the sputum sent him as that of a person having symptoms of tuberculosis, accompanied by a blank giving name, age, sex, color, occupation, place where last employed, if known, and address of the person whose sputum it is. It shall be the duty of the Director of Public Health to promptly make a report of the results of such examinations free of charge to the physician or person upon whose application the same is made.

(c) **Registration of Reports, Etc.** It shall be the duty of the Director of Public Health to cause all reports and all results of examinations showing the presence of the bacilli of tuberculosis made in accordance with provisions of this section to be recorded in a register of which he shall be the custodian. Such register shall not be open to inspection by any person other than the health authorities of the state and of the said city and county, and said health authorities shall not permit any such report or record to be divulged so as to disclose the identity of the person to whom it relates, except as may be necessary to carry into effect the provisions of this section.

(d) **Notice of Vacation of premises by Tubercular Patient.** In case of vacation of any apartment or premises by the death or removal therefrom of a person having tuberculosis, it shall be the duty of the attending physician, or if there be no such physician, or if such physician be absent, of the owner, lessee, occupant or other person having charge of said apartment or premises, to notify the Department of Public Health of said death or removal within twenty-four (24) hours thereafter; and such apartment or premises so vacated shall not be occupied until duly disinfected, cleaned, or renovated, as hereinafter provided. Further, it shall be unlawful for any person suffering from tuberculosis to change his or her residence or to be removed therefrom until the Department of Public Health has been notified so that the vacated apartment or premises may be disinfected, cleaned, or renovated.

(e) **Disinfection of Premises.** When notified of the vacation of any apartment or premises as provided in this section, the Director of Public Health or one of his deputies shall thereafter visit said apartment or premises and shall order and direct that except for purposes of cleaning or disinfection no infected article shall be removed therefrom until properly and suitably cleansed or disinfected, and said Director of Public Health or his deputy shall determine the manner in which said apartment or premises shall be disinfected, cleaned or renovated in order that they may be rendered safe and suitable for occupancy. After the health authorities determine that disinfection is sufficient to render them safe and suitable for occupancy, said apartment or premises, together with all infected articles therein, shall be immediately disinfected by the Department of Public Health; or if the owner prefers, by the owner at his expense to the satisfaction of the Director of Public Health. Should the Director of Public Health determine that such apartment or premises are in need of thorough cleansing or renovating, a notice to this effect shall be served upon the owner or agent of said premises, and said owner or agent shall proceed to the cleansing or renovating of said apartment or premises in accordance with the instructions of the Director of Public Health and such cleansing and renovating shall be done at the expense of said owner or agent. Such articles that cannot be disinfected or renovated to the satisfaction of the Director of Public Health shall be destroyed.

(f) **Posting of Notice.** In case the orders or directions of the Director of Public Health requiring the disinfecting, cleansing or renovating of any apartment or premises or any article therein as hereinbefore provided shall not be complied with within forty-eight (48) hours after said orders or directions shall be given, the Director of Public Health may cause a placard, in words and form substantially as follows, to be placed on the door of the infected apartment or premises:

"Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive person and may be infected. They must not be occupied until the order of the Director of Public Health directing the disinfection or renovation has been complied with. This notice must not be removed under the penalty of the law except by the Director of Public Health or other duly authorized official."

(g) **Safe Disposal of Sputum, Etc.** Any person having tuberculosis who shall dispose of his sputum, saliva or other bodily secretion or excretion so as to cause offense or danger to any person or persons occupying the same room or apartment, house or part of house, shall on complaint of any person subject to such offense or danger, be deemed guilty of a nuisance; and any person subject to such a nuisance may make complaint in writing to the Director of Public Health, and it shall be the duty of the Director of Public Health receiving such complaint to investigate and if it appears that the nuisance complained of is such as to cause offense or danger to any person occupying the same room, apartment, house or part of house, he shall serve a notice on the person so complained of, reciting the alleged cause of offense or danger and requiring him to dispose of his sputum, saliva or other bodily secretion or excretion in such a manner as to remove all reasonable cause of offense or danger.

It shall be the duty of a physician attending a patient for tuberculosis to take all proper precautions and to give proper instructions to provide for the safety of all individuals occupying the same house or apartment.

(h) **Removal of Patient, Etc.** Whenever a person having tuberculosis is unable for financial reasons, or from any other cause, to comply with the rules



of the Department of Public Health providing for the precautions to be observed to prevent the spread of infection, or when such person willfully refuses to comply with said rules and in all cases where children are unavoidably exposed to infection, the Department of Public Health may, on presentation to it of proof that such person is a sufferer from tuberculosis, order his immediate removal to a hospital or other institution for the care of sufferers from tuberculosis. Such person shall not be permitted to leave such hospital or other institution until the danger of infection has been removed or he is able and willing to comply with the precautions and rules herein referred to.

(i) **Procedure and Precautions to be Taken.** It shall be the duty of the Director of Public Health to transmit to a physician reporting a case of tuberculosis as provided in this section a printed statement and report naming such procedure and precautions as are necessary or desirable to be taken on the premises of a tubercular patient. Upon receipt of such statement or report, the physician shall either carry into effect all such procedures and precautions as are therein prescribed, and shall thereupon sign and date the same, and return to the Director of Public Health without delay; or if such attending physician be unwilling or unable to carry into effect the procedure and precautions so specified, he shall so state on this report, and immediately return the same to the Director of Public Health and the duties therein prescribed shall thereupon devolve upon said Director of Public Health. Upon the receipt of this statement and report, the Director of Public Health shall examine the same and satisfy himself that the attending physician has taken all necessary and desirable precautions to insure the safety of all persons living in the apartment or premises occupied by the person having tuberculosis. If the precautions taken or instructions given by the attending physician are, in the opinion of the Director of Public Health, not such as will remove all reasonable danger or probability of danger to the persons occupying the same house or apartment or premises, the Director of Public Health shall return to the attending physician the report with a letter specifying the additional precautions or instructions which the Director of Public Health shall require him to make or give; and the said attending physician shall immediately take the additional precautions and give the additional instructions specified and shall record and return the same on the original report to the Director of Public Health. It shall be the duty of the Director of Public Health to transmit to every person reporting any case of tuberculosis, or if there be no attending physician, to the person reported as suffering from this disease, a circular of information which shall inform the consumptive of the precautions necessary to avoid transmitting the disease to others.

(j) **Violations.** It shall be unlawful for any physician or person practicing as a physician to report knowingly as affected with tuberculosis any person who is not so affected or willfully make any false statement concerning the name, sex, color, occupation, place where last employed, if known, or address of any person reported as affected with tuberculosis, or certify falsely as to any of the precautions taken to prevent the spread of infection.

(k) **Children of School Age.** No instructor, teacher, pupil or child affected with pulmonary tuberculosis shall be permitted by any superintendent, principal or teacher of any public, private or parochial school, to attend school except by written permission of the Director of Public Health.

(l) **Recovery Reports.** Upon the recovery of any person having tuberculosis, it shall be the duty of the attending physician to make a report of this fact to the Director of Public Health, who shall record the same in the records of his office and shall relieve said person of further liability to any requirements imposed by this section.

**SEC. 103. Prohibiting Importation and Sale of Ground Squirrels.** No person or persons, firm, company or corporation shall import into the City and County of San Francisco, or shall sell, expose for sale or exchange or deliver or distribute or have in their possession any ground squirrel or squirrels within the limits of the said city and county.

**SEC. 104. Penalty.** Any person who shall violate any of the provisions of Section 103 of this Article shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars, and not more than Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for not less than ten (10) days and not more than one hundred (100) days, or by both such fine and imprisonment.



## ARTICLE 3

## HOSPITALS

Sec. 130. Maternity hospitals and homes.

Sec. 131. Penalty.

Sec. 136. Clinics and dispensaries, operations of, etc.

(a) Exception.

(b) Permits and licenses.

(c) Applications and investigations.

(d) Rules and regulations.

(e) Inspections.

Sec. 137. Failure to obtain license—Penalty.

Sec. 138. Violation of other provisions—Penalty.

Sec. 139. Treatment obtained by misrepresentation—Penalty.

Sec. 144. Psychiatric division.

Sec. 145. Conditions relating to admittance and detention therein.

Sec. 150. Admission to San Francisco Hospital and allied institutions.

Sec. 151. Investigation of patients.

Sec. 152. Penalty.

Sec. 153. Reimbursement for aid granted persons.

Sec. 157. Establishment and maintenance of hospitals.

(a) Definitions.

(b) Permits.

(c) Type of buildings.

(d) Registers.

(e) Transfer of permits.

(f) Inspection.

Sec. 158. Establishment and maintenance of nursing homes.

**SEC. 130. Maternity Hospitals and Homes.** Any person who, without having first obtained a written permit so to do from the Department of Public Health, establishes, maintains, conducts or manages any maternity hospital or maternity home where females may be received, cared for or treated during pregnancy or during or after delivery, or neglects, refuses or omits to comply with the provisions of this section, or who violates the provisions of such permit, is guilty of a misdemeanor.

The Department of Public Health shall have power to issue permits for such places, and every such permit shall specify the name and residence of the person so undertaking to care for such females and the location of the place where the same are kept and the number of females thereby allowed to be received or kept therein, and shall be revocable for cause by the said Department of Public Health in any case where the provisions of this section are violated, or in any case where, in the opinion of the Department of Public Health, such hospital, asylum or institution or other place is being managed, conducted or maintained without regard for the health, comfort or morality of the inmates thereof, or without due regard to proper sanitation or hygiene.

Every person holding such permit must keep a register wherein he shall enter the names and addresses of all such females and of all children born on the premises, and also the name and age of every child who is given out, adopted or taken away to or by any person, together with the name and residence of the person so adopting or taking away such child; and, within forty-eight (48) hours after such child is given out or taken away shall cause a correct copy of the register relating to such child to be sent to the Department of Public Health.

It shall be lawful for the officers and representatives of the Department of Public Health and for all health officers, at all reasonable times, to enter and inspect the premises wherein such females are so boarded, received and kept, and to call for and inspect the permit and register, and also to see and visit such females.

**SEC. 131. Penalty.** Any person who shall violate any of the provisions of Section 130 of this Article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed Two Hundred and Fifty (\$250.00)

Dollars, or by imprisonment in the County Jail for not more than three (3) months, or by both such fine and imprisonment.

**SEC. 136. Clinics and Dispensaries, Operations of, Etc.** For the purpose of this section, a dispensary or clinic or other designation of like interpretation is declared to be a person, place, establishment, corporation, institution, association or agent whose purpose it is, either independently or in connection with any other purpose, to furnish at any place or places, either without charge or for part pay or full pay, medical and/or surgical or dental treatment or advice, or medicine or apparatus, or drugless healing or manipulation, or mental and habit advice and treatment which will include psychiatric and neurological advice, mental healing and faith cures of all types, to any person or persons, nonresident or ambulatory therein, who are suffering from, or afflicted with, bodily and/or mental infirmities or ailments of any kind whatsoever.

(a) **Exception.** None of the provisions of this section shall apply to what is known as the private practice of medicine or any other curative or remedial system.

(b) **Permits and Licenses.** It shall be unlawful for any person, place, establishment, corporation, institution, association, or agent, to open, conduct, manage or maintain any dispensary or clinic as above defined within the corporate limits of the City and County of San Francisco without first obtaining a permit and license therefor as hereinafter provided, and said license shall not be granted without a permit first being had and obtained.

Every person, firm or corporation conducting a clinic or dispensary as herein defined shall pay a license fee of Six (\$6.00) Dollars per quarter.

(c) **Applications and Investigations.** Any person, place, establishment, corporation, institution, association or agent desiring such license shall make written application therefor to the Director of Public Health, in conformation with the general provisions of this section relating to applications for licenses, and shall truly state in said application the location or proposed location of such dispensary, the purpose for which it is or is to be opened, conducted and maintained, the accommodations or proposed accommodations for patients which it shall contain, the nature and kind of treatment given or proposed to be given therein and the names and addresses of the person or persons making the application and the names of the person or persons who are conducting or will conduct said dispensary or clinic, stating their training and qualifications for conducting such dispensary or clinic.

It shall be the duty of the Director of Public Health, upon the presentation of such application, to make, or cause to be made, strict inquiry into the facts set out in such application, and if upon such inquiry he shall find such dispensary or clinic is or is intended to be so construed and equipped as to afford proper accommodations for the care of persons treated or proposed to be treated, and that the person or persons or intended person or persons responsible for the maintenance and conduct of said dispensary or clinic, and the person or persons actually conducting the care given to patients as defined in this section fulfill the requirements defined by this section, and if in the Director's opinion it is for the public's benefit, and the rules and regulations and minimum standards provided for in this section are being carried out, then the Director of Public Health shall issue a permit therefor.

(d) **Rules and Regulations.** It shall be the duty of the Director of Public Health to establish rules, regulations and minimum standards for the establishment, operation and management of dispensary or clinic so licensed, and to approve the methods of collecting funds from the public, and regulating the purposes and objects to which said funds are applied.

(e) **Inspections.** The Director of Public Health or authorized assistant may at any or all times visit and inspect the dispensary or clinic. He may examine all matters in relation to said dispensary and clinic and ascertain how far they are conducted in compliance with the rules and regulations and minimum standards laid down by him. After due notice to a dispensary, and opportunity for it to be heard, the Director of Public Health may, if public interest demands, and for just and reasonable cause, revoke a license by written order. Such an order shall state the reason for revoking such license, and the time at which such revocation shall take effect and when, at the discretion of the Director of Public Health, the activities of the dispensary or clinic may be resumed.

**SEC. 137. Failure to Obtain License—Penalty.** Any person, place, establishment, corporation, institution, association or agent advertising or maintaining a

clinic or dispensary as defined in Section 136 without first having obtained a license therefor as provided in Section 136 or after revocation of such license under the authority conferred by Section 136 on the director of Public Health, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than Ten (\$10.00) Dollars and not more than Two Hundred (\$200.00) Dollars for each offense.

**SEC. 138. Violation of Other Provisions—Penalty.** Any person or persons who willfully violate any of the provisions of Section 136 or do not carry out the rules and regulations and minimum standards laid down by the Director of Public Health shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than Ten (\$10.00) Dollars and not more than Two Hundred (\$200.00) Dollars.

**SEC. 139. Treatment Obtained by Misrepresentation—Penalty.** Any person or persons who obtain medical or surgical care or other treatment of whatever kind, from a licensed dispensary or clinic on false representation shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than Twenty (\$20.00) Dollars and not more than Two Hundred (\$200.00) Dollars.

**SEC. 144. Psychiatric Division.** The Department of Public Health is hereby authorized and directed to establish and maintain in the San Francisco Hospital a separate and distinct ward or department to be known as the "Psychiatric Division" for the reception, observance, diagnosis, treatment and temporary care of persons suffering from mental illness. The Psychiatric Division herein provided for shall be conducted as an integral part of the San Francisco Hospital and shall be subject to all the rules and regulations thereof.

**SEC. 145. Conditions Relating to Admittance and Detention Therein.** Admission to the Psychiatric Division shall be limited to the following classes of persons:

(a) Any patient who becomes mentally ill while in any other department of the San Francisco Hospital may be immediately transferred to the Psychiatric Division of the San Francisco Hospital for Emergency Detention upon a petition of mental illness, properly executed by the Superintendent of the San Francisco Hospital or his duly authorized representative. The patient may be kept in the said Psychiatric Division until the petition be presented to the judge assigned from the Superior Court to the Detention Hospital. This period of emergency detention is not to exceed forty-eight (48) hours unless a legal holiday intervenes in said period, and then not exceeding seventy-two (72) hours. The provisions of this section shall not be construed as applying to a patient who, by reason of his physical illness, becomes temporarily mentally disturbed and thereby requires temporary care in the Psychiatric Division.

(b) Any person alleged to be suffering from mental disease, an inebriate, drug addict, feeble-minded person, epileptic, and any other incompetent, not insane, may be transferred from the Detention Service to the Psychiatric Division of the San Francisco Hospital for further observation and diagnosis, or for medical or surgical treatment upon the recommendation of the Medical Examiners in Lunacy in and for the City and County of San Francisco and on order of the judge assigned to the court presiding at the Detention Hospital.

(c) Any person suspected of being mentally deranged may be transferred from the City Prison or County Jail to the Detention Hospital Service in the Psychiatric Division of the San Francisco Hospital upon an order of any judge of the Superior and Municipal Courts for a period of observation not to exceed twenty (20) days. Said observation will be made by the Medical Examiners in Lunacy in and for the City and County of San Francisco. When further observation, laboratory tests, medical or surgical treatment are indicated, the person may be transferred from the Detention Service to the Psychiatric Division upon the recommendation of the Medical Examiners in Lunacy and upon the order of the judge originally transferring said person to the Detention Hospital.

(d) Any resident of the City and County of San Francisco suffering from mental illness may be admitted as a voluntary patient to the Psychiatric Division of the San Francisco Hospital, after investigation by the Social Service Department, under the rules and regulations of the Department of Public Health. Such patient must be, at the time of making application for admission, in such a state of mind as to render him competent to make such application. Any patient so received and detained shall be deemed a voluntary patient. Such patient shall not be detained in

said Psychiatric Division for more than seven (7) days after having given notice in writing to the superintendent or person in charge of his desire to leave, and in no case shall such patient remain for a longer period than twenty (20) days.

(e) Any mentally disturbed person brought into the Psychiatric Division of the San Francisco Hospital by the police, city ambulance, relatives or friends may be accepted for temporary hospitalization on the certification by a senior member of the Resident Staff of the San Francisco Hospital that emergency detention is necessary. A petition properly executed must be presented to the judge assigned from the Superior Court to the Detention Hospital within forty-eight (48) hours, unless a legal holiday intervenes and then not exceeding seventy-two (72) hours. Such a petition may be presented by relatives or friends, but where none can be found in the county willing and able to make and present said petition, any peace officer, the Special Investigator of the District Attorney's office, or a senior member of the Resident Staff of the Psychiatric Division of the San Francisco Hospital may present said petition.

(f) Officers and enlisted personnel of the military forces of the United States of America for diagnosis or hospitalization and care, at the expense of and upon competent and proper authority from the United States government and in accordance with such agreement as may be entered into between the Chief Administrative Officer of the City and County of San Francisco and the United States government and approved by the Board of Supervisors of the City and County of San Francisco.

No limitation as to time as provided in this section shall apply to persons admitted under this subsection.

(g) The purpose of the establishment of the Psychiatric Division of the San Francisco Hospital is for the reception, observation, diagnosis, treatment and temporary care of persons suffering from mental disorder, and no previously diagnosed case of feeble-mindedness, persons suffering from alcoholism, drug addiction or persons who have escaped or are paroled from any state hospital for the insane shall be admitted.

**SEC. 150. Admission to San Francisco Hospital and Allied Institutions.** There shall be admitted to the San Francisco Hospital, including the Isolation Division and the Hassler Health Home, the following:

(a) An indigent sick person of the City and County of San Francisco who possesses the required residence qualifications, upon application and after investigation and approval by the Director of Public Health;

(b) A psychopath, narcotic addict or habitual inebriate temporarily in custody;

(c) A physically defective and physically handicapped person under the age of twenty-one (21) years when the parents or guardian of such person are not financially able to secure proper care or treatment and when such person's admission and treatment has been duly authorized in the manner provided by law;

(d) A prisoner confined to the City or County Jail who requires medical or surgical treatment necessitating hospitalization where such treatment cannot be furnished or supplied at such jail when any court of the city and county shall have ordered the removal of such prisoner to the city and county hospital (and said prisoner elects not to furnish such treatment at his own expense);

(e) A dependent, or partially dependent, poor sick person, who possesses the required residential qualifications;

(f) A person in need of immediate hospitalization on account of accident or sudden sickness or injury or by reason of sickness or injury caused by or arising in a sudden public emergency or calamity or disaster;

(g) A person in the active stages of tuberculosis in wards established for the treatment of such persons;

(h) A person to be quarantined or isolated in the city and county hospital with a contagious, communicable or infectious disease;

(i) An expectant mother who is unable to pay for her care and the cost of her maintenance (and care shall be paid by and be a proper charge against the county of her residence);

(j) An indigent sick or dependent poor person from another county which lacks the proper facilities for the caring of such patients (and care shall be paid by and be a proper charge against the county of which said person is a resident);

(k) 1. A city and county employee who is judged by the Retirement Board to have suffered an injury arising out of and in the course of his employment by the city and county, when hospitalization is reasonably required to cure and relieve the effects of such injury;

2. During the war the United States of America is now engaged in, San Francisco civilian defense volunteer members who are judged by the Retirement Board to have suffered an injury arising out of and in the course of performance of duties in connection with San Francisco civilian defense, when hospitalization is reasonably required to cure and relieve the effects of such injury;

3. American Red Cross nurses aides who are judged by the Retirement Board to have suffered injury while actually serving as volunteer assistants at San Francisco Hospital, when hospitalization is reasonably required to cure and relieve the effects of such injury;

4. Any authorized volunteer assigned by the superintendent of San Francisco Hospital, Laguna Honda Home, or Hassler Health Home and assisting in the care and treatment of patients in any of the said institutions, who is judged by the Retirement Board to have suffered injury while actually serving as a volunteer at any of the said institutions, when hospitalization is reasonably required to cure or relieve the effects of such injury;

(l) A person sent by the immigration authorities of the United States government (under such conditions as may be contracted for between the Director of Public Health and the United States government);

(m) Provided, nothing in this section shall be construed as restraining the Director of Public Health from obeying or carrying out or giving effect to any law that may exist or be hereafter passed, relating to the hospitalization of patients in county hospitals which may affect the San Francisco Hospital, including the isolation division and the Hassler Health Home;

(n) During the war in which the United States is now engaged, and for six months thereafter, a wife or minor child under one year of age of a non-commissioned member of the United States armed forces when the city and county is reimbursed from funds appropriated by Congress for the hospitalization and care of such person.

**SEC. 151. Investigation of Patients.** All persons admitted or committed to the San Francisco Hospital, including the Isolation Division and the Hassler Health Home, under the provisions of subsections (c), (e), (f), (g), and (h) of Section 150 hereof, shall be investigated by the Director of Public Health, who shall determine the financial ability of such persons to pay, in whole or in part, either directly or through relatives legally obligated to pay in whole or in part for the institutional service rendered.

(a) The Director of Public Health shall bill every person legally obligated for institutional service rendered in the San Francisco Hospital, including the Isolation Division and the Hassler Health Home, on the basis of the rates to be established as hereinafter provided, and to the extent of their ability to pay, in whole or in part, either directly or through relatives legally obligated to pay in whole or in part, as determined under Section 151 hereof.

(b) The care of all persons admitted to the several institutions enumerated herein under the provisions of subsections (i) and (j) of Section 150 hereof, shall be billed to the county of their residence for such services by the Director of Public Health on the basis of the rates to be established as hereinafter provided.

(c) The care of all persons admitted to the several institutions enumerated herein under the provisions of subsection (k) of Section 150 hereof, shall be billed to the San Francisco City and County Employees' Retirement System.

(d) The Director of Public Health on or before the 15th day of July in each year shall compute the per diem cost of maintaining and caring for each class of persons at the San Francisco Hospital, including the Isolation Division and the Hassler Health Home.

The said computation of per diem costs with respect to each class of persons cared for in each institution shall be based on the following formula: "Total Expenses Divided by the Total Number of Patient Days." Total expenses shall include all elements of cost and expenses exclusive of taxes which are enumerated in the uniform classification of accounts contained in the "Hospital Accounting and Statistics," published by the American Hospital Association in May, 1935.

(e) The Director of Public Health shall report his said finding to the Chief Administrative Officer who shall examine the same and transmit the same with his approval, together with such suggestions and amendments as he may see fit, to the Board of Supervisors not later than the 20th day of July.

(f) The Board of Supervisors shall, not later than the last Monday in August, in each year, with the recommendation of the Controller, determine and fix by resolution the proper and reasonable amounts to be charged to said persons when said persons by themselves or through relatives are legally obligated and able to pay in whole or in part for said institutional care.

Rates and charges so fixed by resolution shall remain effective until new rates and charges are fixed as in this section provided.

The resolution determining and fixing said rates or charges shall constitute prima facie evidence of the reasonableness of said rates or charges.

(g) Pursuant to Section 64 of the Charter, the Controller shall prescribe the forms, methods and procedure to be followed in billing said persons or their relatives under Sections 150 and 151 of this Article.

**SEC. 152. Penalty.** Every person who knowingly, fraudulently and designedly conceals or withholds any information concerning his financial condition or means or ability to pay, or who knowingly makes or causes to be made, either directly or indirectly or through any agency whatsoever, any false statement in writing, with intent that it shall be relied upon, respecting the financial condition or means or ability to pay, of himself or any other person in whom he is interested, or for whom he is acting, for the purpose of gaining admission to and receiving care and treatment in the San Francisco Hospital, including the Isolation Division and the Hassler Health Home, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment.

Said person, in addition to the penalties hereinabove set forth, shall be billed by the institution rendering said services for the full amount of the cost of such institutional care and treatment, thus fraudulently obtained, in accordance with the basic rates, legally established and determined therefor.

**SEC. 153. Reimbursement for Aid Granted Persons.** (a) Every person who is given or shall receive aid directly or indirectly from public moneys drawn through the Treasury of the City and County of San Francisco shall be liable for the value of said aid so allowed, granted, or given, and the value thereof shall constitute a first lien on all property, real, personal, or mixed, that said person may possess, acquire, or have an interest in.

(b) The actual cost of direct or indirect aid shall constitute its value. The Board of Supervisors shall not later than the last Monday of August of each year establish by resolution a basic rate for evaluating institutional care allowed, granted, or given to persons at the Laguna Honda Home, and the rate so established shall constitute prima facie evidence of the reasonableness of said charge and the resulting amount which shall be due to the City and County of San Francisco.

(c) As a consideration and as a condition precedent to the allowing, granting or giving of aid, the officer, board or commission charged with the duty of allowing, granting or giving of aid shall take from every person now receiving aid and from every person who may hereafter be allowed, granted, or given aid the following agreement:

**“AGREEMENT TO REIMURSE FOR MONEYS EXPENDED  
OR AID GRANTED OR GIVEN.**

“In consideration of the granting of aid to me by the City and County of San Francisco, and as a condition precedent thereto, I hereby pledge, promise and agree to reimburse and repay said City and County for all sums of money actually expended in my behalf or aid granted or given by the City and County of San Francisco for my care and maintenance, provided I am able to pay for the same in whole or in part, and I further agree that any claim for such moneys expended in my behalf or aid granted or given me by said City and County shall be a preferred claim against me and a first lien on all property now owned or possessed by me or that may hereafter be acquired by me or in my behalf.

“Statute of Limitations is hereby forever waived.

"This agreement is binding upon myself, my heirs, executors, administrators and assigns.

"Dated this.....day of....., 194.....

Signature of Applicant in Full Residing at:

"Witness:

Provided, however, that the form of the lien to be taken in connection with aid to the needy aged shall be as prescribed by the State Department of Social Welfare.

(d) The Controller of the City and County of San Francisco shall prescribe the procedure governing the evaluation of institutional care at the Laguna Honda Home, the auditing, accounting, reporting and collecting of all obligations arising under this section in accordance with the provisions of Sections 64 and 75 of the Charter.

(e) Every person who knowingly, fraudulently or designedly conceals or withholds any information concerning his property or financial conditions, means or ability to pay, or who knowingly makes or causes to be made, either directly or indirectly, or through any agency whatsoever, any false statement in writing, with intent that it shall be relied upon respecting his property, or financial condition, means or ability to pay of himself or any other person in whom he is interested, or for whom he is acting for the purposes recited in this section, shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment. Such person, in addition to the penalties hereinabove set forth, shall be liable for the full value of the aid thus fraudulently obtained.

**SEC. 157. Establishment and Maintenance of Hospitals.** No person, firm, corporation or association shall hereafter erect, establish or maintain any hospital or health institution without first obtaining a permit from the Department of Public Health as in this section provided.

(a) **Definitions.** For the purpose of this section a hospital or health institution is hereby defined to be a building or structure having accommodations for more than three (3) sick, invalid, infirm, aged, convalescent, mentally ill, feeble-minded, incompetent, decrepit, disabled, injured, infected, or chronically ill persons, where a charge is made for the care of said persons, and whether or not, in the care or treatment of said persons, use is made of drugs, medicines, surgical, electrical or physiotherapeutical procedures; but shall not include nursing homes as such are defined in Section 158 of this Chapter.

(b) **Permits.** The Department of Public Health shall have power to and shall issue permits for hospitals and health institutions hereafter established. The Department of Public Health shall issue a permit to each hospital and health institution existing at the time this section becomes effective, provided said hospital or health institution is erected in compliance with existing fire, health and safety laws, and if not so erected, if compliance is had therewith within thirty (30) days after written notice by the Department of Public Health of the particulars wherein non-compliance exists. Every permit shall specify the name and residence of the licensed person, firm, association or corporation, the location of the structure and the number of persons permitted to be housed or cared for therein. Any permit shall be revocable for cause by the said Department of Public Health, after hearing before said Department upon service upon the holder of the permit, not less than ten (10) days before the hearing, of a written notice of time and place of hearing and written statement of the charges, in any case where the provisions of this section, or of any fire, health or safety law has been violated and said violation has continued for more than ten (10) days after service upon the holder of said permit of a written statement by the Department of Public Health of the particulars wherein said violation exists.

(c) **Types of Buildings.** No hospital or health institution hereafter established shall be housed in a structure of frame construction, if said structure is designed to have accommodations for more than five (5) inmates. Any such hospital or health institution hereafter established, and having accommodations for not more than five (5) inmates, may be of frame construction if the same complies with all of the regulations and laws of the Bureau of Building Inspection, Department of Public Works, the Bureau of Fire Prevention and Public Safety and the regulations of



the Department of Public Health, as of the date of application for a permit. No inmate shall be housed or cared for in any attic, basement or cellar.

(d) **Registers.** The holder of a permit shall keep a register, in the form approved by the Department of Public Health, wherein shall be entered the names and addresses, date of entry and date of discharge of all inmates.

(e) **Transfer of Permits.** No permit issued pursuant to this section shall be sold, assigned or transferred without written permission of the Department of Public Health.

(f) **Inspection.** The Department of Public Health, its officers and representatives, and all duly appointed or elected Health Officers, shall at all reasonable times have the right to enter and inspect the said hospitals and health institutions, to inspect the permit and register thereof and to require compliance with this section.

**SEC. 158. Establishment and Maintenance of Nursing Homes.** No person, firm, corporation or association shall hereafter erect, establish or maintain any nursing home without first obtaining a permit from the Department of Public Health as in this section provided.

(a) **Definitions.** For the purpose of this section, a nursing home is hereby defined to be a building or structure having accommodations for one or more but not more than eight (8) invalid, infirm, aged, senile, injured or convalescent inmates, where a charge is made for the care of said inmates, and whether or not, in the care or treatment of said inmates, use is made of drugs, medicines, electrical or physiotherapeutical procedures.

(b) **Permits.** The Department of Public Health shall have power to and shall issue annual permits for nursing homes hereafter established; and as to original applications for permits, subject to the prior approval of the City Planning Commission, the Department of Public Health shall follow the provisions of Sections 22 and 27, Article 1, Part III of this Code, and in addition thereto the property owners of all property within 200 feet of the exterior boundary lines of the applicant's property shall be notified by the Department of Public Health, in writing, of the nature of the application and the time and place of hearing, and the applicant shall furnish the Department of Public Health with a verified list of the names and addresses of said property owners, and in passing upon the application the Department of Public Health is empowered to give consideration to the possible adverse effect of the proposed use upon adjoining property and approval or disapproval of the application may be predicated upon such grounds. The Department of Public Health shall issue a permit to each nursing home existing at the time this section becomes effective, provided said nursing home is erected in compliance with existing fire, health and safety laws, and if not so erected, if compliance is had therewith within thirty (30) days after written notice by the Department of Public Health of the particulars wherein non-compliance exists. Every permit shall specify the name and residence of the licensed person, firm, association or corporation, the location of the structure and the number of persons permitted to be housed or cared for therein. Any permit shall be revocable for cause by the said Department of Public Health, after hearing before said Department upon service upon the holder of the permit, not less than ten (10) days before the hearing, of a written notice of time and place of hearing and written statement of the charges, in any case where the provisions of this section, or of any fire, health or safety law have been violated and said violation has continued for more than ten (10) days after service upon the holder of said permit of a written statement by the Department of Public Health of the particulars wherein said violation exists.

The Department of Public Health shall have the authority to establish health and sanitation requirements for permittees after thirty (30) days' notice to all existing permittees and a hearing upon the subject.

(c) **Types of Buildings.** No nursing home now or hereafter established shall be housed in a structure of frame construction, if said structure is designed to have accommodations for more than eight (8) inmates. Any such nursing home hereafter established, and having accommodations for not more than eight (8) inmates, may be of frame construction if the same complies with all of the regulations and laws of the Bureau of Building Inspection, Department of Public Works, the Bureau of Fire Prevention and Public Safety and of the Department of Public Health, as of the date of the application for a permit. No inmate shall be housed or cared for in any attic, basement or cellar. Where more than eight (8) inmates are housed in a nursing home the building shall be of Class A or B construction.



(d) **Registers.** The holder of a permit shall keep a register, in form approved by the Department of Public Health, wherein shall be entered the names and addresses, date of entry and date of discharge of all inmates.

(e) **Transfer of Permits.** No permit issued pursuant to this section shall be sold, assigned or transferred without written permission of the Department of Public Health.

(f) **Inspection.** The Department of Public Health, its officers and representatives, and all duly appointed or elected Health Officers, shall at all reasonable times have the right to enter and inspect the said nursing homes and to inspect the permit and register thereof and to require compliance with this section.

#### ARTICLE 4

#### DECEASED PERSONS

Sec. 185. Deaths from criminal causes.

Sec. 190. Cremation of human remains.

(a) Applications and permits.

(b) Removal of remains.

(c) Death from contagious disease.

Sec. 195. Cremation of human remains in city and county limits prohibited.

Sec. 200. Burials within city and county limits prohibited.

Sec. 201. Penalty.

Sec. 210. Disposal of indigent dead.

Sec. 215. Embalming—Certificate of death, etc.

Sec. 216. Record of material used.

Sec. 217. Duty of physician.

Sec. 218. Penalty.

**SEC. 185. Deaths from Criminal Causes.** It shall be unlawful for any person to perform, or assist in performing, any autopsy or other post-mortem examination upon the body of any person who has died suddenly or whose death has resulted from injury, or upon the bodies of persons found under such circumstances as to lead to a suspicion of crime having been committed, or in cases of accidental deaths or suicides, except a permit to perform such autopsy or post-mortem examination has been issued by the Coroner.

It shall be unlawful for any person to remove, or aid in removing, the body of any deceased person from the place where the death of such person has occurred, except permission to remove said body has been granted by the Coroner or Director of Public Health, or a regularly licensed physician, who has been in attendance upon the deceased for not less than twenty-four (24) hours prior to death, shall have certified that the death was not directly or indirectly the result of criminal causes.

It shall be unlawful for any person, except upon authorization by the Coroner, or Director of Public Health, to dispose of or in any manner to aid in the disposal of, whether by burial, dissection or otherwise, of the body or parts thereof of any person whose death has resulted from the performance or an effort to perform a criminal abortion.

It shall be unlawful for any person to obtain, or induce, or assist others in obtaining, or attempt to secure from the proper authorities any permit to inter, remove or otherwise dispose of the remains of any deceased person, except that the party desiring such permit shall present to the Director of Public Health a certificate of death, which shall clearly and truthfully show the name and age of decedent, the precise location where the death occurred, and, if the same has been caused by criminal abortion, either as a direct or indirect consequence, the certificate shall so state.

**SEC. 190. Cremation of Human Remains.** When a person dies in the City and County of San Francisco, and it is the intention of the person whose duty it is to dispose of the body to cremate it, there must be filed on a form prescribed by the Department of Public Health an application for a permit to cremate said body signed by the Director of Public Health or his agents.

(a) **Applications and Permits.** The person applying must file with the proper officer a certificate, signed by a physician, or a Coroner, or two reputable citizens,

setting forth as near as possible the name, age, color, place of birth, occupation, date, locality and cause of death of the deceased.

After the application and certificate are filed, the duly authorized agent of the Department of Public Health shall immediately inquire into the circumstances relating to the death, and within twelve (12) hours after such application is filed, shall report, in writing, to the Director of Public Health as to whether, in his opinion, death resulted from natural causes, and whether there are reasons why said body should not be cremated.

When said report is filed and sufficient reasons are not given why cremation should not take place, the Director of Public Health shall issue a written permit for the cremation.

A permit shall not be given to cremate a body upon which a Coroner's inquest is pending until the cause of death has been attested by the proper authority—except any part of a body, or the contents of a body proposed to be cremated may be removed and preserved as evidence, the same as in case of interment, and when such parts or contents are removed the body may be cremated.

(b) **Removal of Remains.** It shall be unlawful, without a permit, to remove from said city and county, for the purpose of cremation, the remains of any human being who died within its limits; nor shall any such remains be removed and cremated without a permit from said Director of Public Health to so remove and cremate, as provided for in this section, and any person who, as undertaker, or agent, or otherwise, obtains a permit to remove a body from said city and county for the purpose of interment, who cremates said body or is privy thereto, is guilty of a misdemeanor. When death resulted from contagious disease a special permit to remove and cremate may be issued by the Director of Public Health.

Provided, that in case of death from any cause whatever, a special permit may be issued by the Director of Public Health, to remove and cremate a body at any time.

(c) **Death from Contagious Disease.** When death results from contagious disease (within the meaning of the words "contagious disease"), as defined by said Department of Public Health or by law the body shall not be publicly exposed, and said remains shall be cremated without being taken from the case enclosing them, and said Department of Public Health may adopt regulations prescribing the manner and shape in which the remains referred to in this section shall be prepared for cremation.

**SEC. 195. Cremation of Human Remains in City and County Limits Prohibited.** It shall be unlawful for any person, association or corporation, to cremate, or cause to be cremated, the dead body of any human being within the City and County of San Francisco, exclusive of those portions of said city and county belonging to or under the exclusive jurisdiction of the United States.

**SEC. 200. Burials Within City and County Limits Prohibited.** It shall be unlawful for any person, association or corporation, to bury or inter, or cause to be interred or buried, the dead body of any person in any cemetery, graveyard or other place within the City and County of San Francisco, exclusive of those portions thereof which belong to the United States, or are within its exclusive jurisdiction.

**SEC. 201. Penalty.** Any person, association or corporation violating any of the provisions of Section 200 of this Article shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment.

**SEC. 210. Disposal of Indigent Dead.** The Department of Public Health is hereby authorized and directed to provide for the interment of bodies of persons who have died in indigent circumstances, by contracting for the service or by employment of persons for such purpose, as in the judgment of such Department shall be most suitable.

**SEC. 215. Embalming—Certificate of Death, Etc.** No person shall use any embalming or preservative material in or upon the body of any deceased person, either by what is known as "cavity injection" or "temporary embalming", or by injection into the blood vessels, or by any other means, or at all, without first obtaining a certificate of death from the attending physician, if there had been one, or in his absence, or in the event there had been no attending physician, then a certificate of death or a permit to embalm from the Coroner. Nothing herein contained shall

be deemed to forbid the use of ice in and upon such body, for the preservation thereof.

**SEC. 216. Record of Material Used.** Every person using any of the material mentioned in Section 215 of this Article (excepting ice), after having obtained the certificate or permit therein required, shall make and keep a record of the use of such material, showing the time and place of its use and the means employed and the material used. Said record shall be exhibited by the person keeping the same to the Coroner or any peace officer whenever an exhibition thereof is demanded by him.

**SEC. 217. Duty of Physician.** It shall be the duty of every attending physician to give the certificate of death required by law within two (2) hours after demand made therefor, except in such cases where a post-mortem examination is necessary to determine the cause of death.

**SEC. 218. Penalty.** Any person violating any of the provisions of Sections 215 to 217, inclusive, of this Article shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment.

## ARTICLE 5

### PUBLIC HEALTH—GENERAL

Sec. 230. Homes for children, establishment, etc.

(a) Permits.

(b) Registration of children.

Sec. 231. Penalty.

Sec. 236. Massage parlors.

Sec. 237. Permits.

Sec. 238. Sale or transfer.

Sec. 239. Inspection, etc.

Sec. 240. Penalty.

Sec. 245. Private ambulances.

(a) Definition.

(b) Permits.

(c) Application and investigation.

(d) Inspection—Revocation of permits.

Sec. 245A. Invalid cars.

Sec. 246. Permits, fees and regulations.

Sec. 247. Rates.

(a) "First District."

(b) "Second District."

(c) Special provisions.

Sec. 248. Vehicles to be used as ambulances.

Sec. 249. Penalty.

Sec. 254. Establishment, etc. of medical colleges.

Sec. 255. Tattooing. Definitions.

Sec. 256. Permit.

Sec. 257. Investigation and inspection.

Sec. 258. License fees.

Sec. 259. Qualifications of operator.

Sec. 260. Suspension or revocation of operator's permit.

Sec. 261. Expiration date of permit.

Sec. 262. Permits and operator's cards—Posting of.

Sec. 263. Violations—Penalty.

**SEC. 230. Homes for Children, Establishment, Etc.** Any person who, without having first obtained a written permit so to do from the Department of Public Health, establishes, maintains, conducts or manages any institution, boarding house, home or other place for the reception or care of children, or who keeps at any

such place any child under the age of twelve (12) years, not his relative, apprentice or ward, without legal commitment, or neglects, refuses or omits to comply with the provisions of this section, or who violates the provisions of such permit, is guilty of a misdemeanor.

(a) **Permits.** The Department of Public Health shall have power to issue permits for such places, and every such permit shall specify the name and residence of the person so undertaking the care of such children and the location of the place where the same are kept and the number of children thereby allowed to be received, boarded or kept therein, and shall be revocable for cause by the said Department of Public Health in any case where the provisions of this section are violated, or in any case where, in the opinion of the Department of Public Health, such institution, home, boarding house or other place is being managed, conducted or maintained without regard for the health, comfort or morality of the inmates thereof, or without due regard to proper sanitation or hygiene.

(b) **Registration of Children.** Every person holding such permit must keep a register, wherein he shall enter the names and ages of all such children and the names and residence of their parents, so far as known; the time of the reception and discharge of such children and the reasons therefor, and, also the name and age of every child who is given out, adopted, taken away or indentured from such place to or by any person, together with the name and residence of the person so adopting, taking away or indenturing such child, and within forty-eight (48) hours after such child is so given out, taken away or indentured shall cause a correct copy of the register to be sent to the Department of Public Health.

It shall be lawful for the officers and representatives of the Department of Public Health and for all Health Officers, at all reasonable times to enter and inspect the premises wherein such children are so boarded, received and kept, and to call for and inspect the permit and register, and also to see and visit such children.

**SEC. 231. Penalty.** Any person who shall violate any of the provisions of Section 230 of this Article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not to exceed Two Hundred and Fifty (\$250.00) Dollars, or by imprisonment in the County Jail for not more than three (3) months, or by both such fine and imprisonment.

**SEC. 236. Massage Parlors.** A massage parlor is hereby defined to be any place where any person, association, firm or corporation engages in, conducts, or carries on, or permits to be engaged in, conducted, or carried on any business of giving Turkish, Russian, Swedish, vapor, sweat, electric, salt, magnetic or any other kind or character of baths, physio-therapy, therapy, or any business of the same nature though bearing a different name, or any business of giving massage treatments or alcohol rubs. For the purposes of this section the term "massage" is construed to mean any manual manipulation of, or the application of a mechanical device to, the human trunk or limbs of another, except by a person holding an unrevoked certificate to practice the healing art under the laws of the State of California.

It shall be unlawful for any person, association, firm or corporation to engage in, conduct, or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City and County of San Francisco, the operation of a massage parlor as herein defined without first having obtained a permit from the Department of Public Health so to do. Every applicant for a permit to maintain, operate or conduct a massage parlor shall pay a fee of Ten (\$10.00) Dollars therefor, and no license shall be issued therefor without said permit first having been had and obtained.

**SEC. 237. Permits.** The application for such permit shall set forth the exact nature of the baths and/or massage and/or treatment to be administered, and such application shall be accompanied by a certificate, signed by two (2) reputable persons, residents of the City and County of San Francisco, testifying as to the moral character of the applicant or applicants. The Department of Public Health shall not issue a permit for the operation or maintenance of a massage parlor unless it be satisfied that the moral character of the applicant or applicants is such that the maintenance and operation of a massage parlor by said applicant or applicants will not adversely affect the public interest, morals or welfare.

Any permit issued for a massage parlor may be revoked by the Department of Public Health for cause in any case where the provisions of Sections 236, 237 and 238 hereof are violated, or in any case where, in the opinion of the Department of Public Health, such business is being managed, conducted or maintained without

regard for the public health, or health of patrons or customers, or without due regard to proper sanitation or hygiene. Such permit may also be revoked by the Department of Public Health upon the recommendation of the Chief of Police establishing the fact that the person, association, firm or corporation holding such permit is not conducting such business in a moral way.

**SEC. 238. Sale or Transfer.** Upon sale or transfer of a massage parlor, the permit and license therefor shall be null and void until an application shall have been made, and the transfer approved by the Department of Public Health, and a fee of Ten (\$10.00) Dollars shall be payable for each such transfer, which transfer shall be ordered only after examination and inspection of the premises covered by the permit. The provisions of Section 237 hereof shall apply to any person, association, firm or corporation to whom or which it is proposed to transfer a permit for the maintenance and operation of a massage parlor.

**SEC. 239. Inspection, Etc.** Every person, association, firm or corporation operating a massage parlor under a permit as herein provided shall keep a record of the date and hour of each treatment and the name of the operator administering such treatment. Said record shall at all times during business hours be subject to inspection by the Health Department officials and by the police.

Every person, association, firm or corporation to whom or for which a permit shall have been granted, pursuant to the provisions of Section 237 shall display said permit in a conspicuous place so that the same may be readily seen by persons entering the premises where the massage, bath or treatment is given.

The Department of Public Health and the Police Department shall from time to time and at least twice each year, make an inspection of each massage parlor in the City and County of San Francisco for the purpose of determining that the provisions of this section and Sections 236, 237 and 238 of this Article are complied with and every person, association, firm or corporation operating a massage parlor, as herein defined, shall pay a quarterly license fee of Three (\$3.00) Dollars to defray the cost of such inspection.

**SEC. 240. Penalty.** Any person, association, firm or corporation violating any of the provisions of Sections 236 to 239, inclusive, of this Article, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed One Hundred (\$100.00) Dollars or by imprisonment in the County Jail for a period not to exceed three (3) months, or by both such fine and imprisonment.

**SEC. 245. Private Ambulances. (a) Definition.** The term "ambulance" is hereby defined as a vehicle or conveyance to move a sick or injured person.

**(b) Permits.** No person, firm or corporation by themselves or through their agents, servants or employees shall operate, manage or maintain any private ambulances within the City and County of San Francisco without first obtaining a permit as hereinafter provided.

**(c) Application and Investigation.** Any person, firm or corporation now operating, managing, or maintaining a private ambulance, or desiring to secure a permit to do so shall make written application therefor which shall state the place or places from which it is intended or desired to operate, manage or maintain a private ambulance, giving the description of the premises as well as the location of the same and state therein the name and business and residence address of the applicant or applicants, the number and character of vehicles to be used as such private ambulances, and such other matters as may be required by the Director of Public Health. It shall be the duty of the Director of Public Health to cause an investigation to be made of the premises named and described in such application, for the purpose of determining the fitness and suitability of such premises for such business from a sanitary standpoint. In case the applicant is at the time of such application operating, managing or maintaining a private ambulance, the Director of Public Health shall make an investigation to determine as to whether the applicant has complied with the State laws and City ordinances relating to health, safety and sanitation. Should the Director of Public Health be satisfied that the applicant has complied with the laws of the State, and the ordinances of the City relating to health, safety and sanitation, he shall, upon the payment of such applicant to the Tax Collector of the permit fee as hereinafter fixed, issue or cause to be issued to such applicant a permit to operate, manage and maintain a private ambulance.

**(d) Inspection—Revocation of Permits.** Every private ambulance operated, managed and maintained by any person, firm or corporation under permit as afore-

said shall at all times be open to the inspection of the Director of Public Health or his duly appointed assistants or inspectors; and the Director of Public Health is hereby authorized and empowered to inspect the same, or cause inspection thereof to be made, whenever and as often as he may deem proper. If, upon such inspection, he shall find any such private ambulance operated, managed or maintained in violation of any of the provisions of Sections 245 to 248, inclusive, of this Article, or contrary to any of the health or sanitary ordinances, rules or regulations of the city and county or contrary to any State law in relation thereto, then and in that event such permit shall be revoked; provided, however, that no such permit shall be revoked until after a hearing given by the Director of Public Health in the matter of the revocation of such permit after five (5) days' notice in writing has been served upon owner or holder of such permit, which said notice shall be given to said owner or holder of said permit by mailing said notice by registered mail addressed to his place of residence or business as the same appears on the permit or on the records of the Department of Public Health, which notice shall state the ground of the complaint against said owner and the time and place where said hearing shall take place.

**SEC. 245A. Invalid Cars.** (a) An "invalid car" is hereby defined as a motor vehicle which is used exclusively to move ambulatory sick or injured persons, which contains seats but is not equipped with stretchers, and which is operated by a person who has had not less than five years' experience as a practical nurse.

(b) Except as to definition, invalid cars shall be subject to all the provisions of Sections 245 and 246 of this Article.

(c) No person, firm or corporation owning, operating or controlling any invalid car shall charge rates other than as follows:

Transporting invalid to a hospital, emergency aid station, doctor's office or other place for treatment and return to original location:	
Between 7 A. M. and 7 P. M. ....	\$2.50
Between 7 P. M. and 7 A. M. ....	\$5.00

**SEC. 246. Permits, Fees and Regulations.** The annual fee for any person, firm or corporation securing a permit under Section 245 of this Article, shall be Five (\$5.00) Dollars for each ambulance payable in advance. Every person, firm or corporation operating any private ambulance under the provisions of this section shall have a sign conspicuously displayed on the front thereof bearing the words "Private Ambulance."

No permit shall be sold, assigned or transferred without written permission from the Director of Public Health.

The Director of Public Health of the City and County of San Francisco is hereby authorized to regulate and control the operation and maintenance of private ambulances in the City and County of San Francisco; to provide for the inspection of all vehicles used as private ambulances; and to enforce the provisions of Sections 245 to 248, inclusive, of this Article, and of the rules and regulations of the Director of Public Health.

The Director of Public Health is hereby authorized and empowered to adopt rules and regulations covering the sanitation, color and the care, maintenance, safety and operation of all vehicles used for private ambulances.

Such rules and regulations may provide for safety appliances, brakes, lights and equipment of private ambulances; and for the allotment of an exclusive color scheme for ambulances of any permit holder; and for the prevention of color schemes and decorations of ambulances intended to deceive the public by imitating the appearance of a public emergency hospital ambulance, and that the term ambulance shall not be used or displayed on any vehicle or conveyance unless the same is used to move a sick or injured person; and that no vehicle or conveyance shall be used as an ambulance which is in any manner used for the removal or conveyance of the dead, and that no person who personally handles the dead shall operate or be employed in the operation of any ambulance.

**SEC. 247. Rates.** No person, firm or corporation owning, operating or controlling any private ambulance shall charge other minimum rates than in this section provided, nor maximum rates in excess of One (\$1.00) Dollar over such minimum rates.

(a) "First District." The district within the City and County of San Francisco hereinafter described, shall for the purpose of this section be known as the "First District". Such district is bounded and more particularly described as follows:

Commencing at the intersection of the Embarcadero and Broadway, thence along the northerly and easterly waterfront to Channel street, thence along Channel street to Division street, thence along Division street to Potrero avenue, along Potrero avenue to San Bruno avenue, thence along San Bruno avenue to Cortland avenue, along Cortland avenue to Mission street, thence to Thirtieth street, thence westerly on Thirtieth street to Twin Peaks, along the easterly and northerly sides of Twin Peaks to the outer edge of Sutro Forest to Lawton street, thence west on Lawton street to Tenth avenue, thence northerly along Tenth avenue to the waterline, thence easterly to the point of commencement. Within the said district both sides of all streets named are included.

The charge for transport from any one place to any other place within said First District shall be Five (\$5.00) Dollars during the day time period and Six (\$6.00) Dollars during the night time period.

For the purpose of this section 7 o'clock A.M. to 7 o'clock P.M. shall be deemed day time and 7 o'clock P.M. to 7 o'clock A.M. night time.

(b) "Second District." All other territory within the City and County of San Francisco outside of the area described in the "First District" shall, for the purpose of this section, be known as the "Second District."

The charge for transport from any place in the City and County of San Francisco to or from any place in the Second District shall be Six (\$6.00) Dollars during the day time and Seven (\$7.00) Dollars during the night time period.

(c) **Special Provisions.** No commissions, rebates or allowances of any kind shall be made to any person, firm, corporation or association whatsoever except that twenty-five (25%) per cent discount may be made to clinics and hospital benevolent associations, directly operated by a hospital in the City and County of San Francisco; providing, however, that orders for same must come direct from the departments of hospitals or from the doctors in charge thereof.

Waiting time of ambulance and crew at point of call or discharge in excess of ten (10) minutes shall be at the rate of Five (\$5.00) Dollars per hour calculated in quarter hour periods.

X-ray or treatment cases where ambulance is held for the return trip a charge for delay of ambulance and crew shall be at the rate of Five (\$5.00) Dollars per hour provided, however, that an allowance of twenty (20) minutes shall be made without charge where ambulance and crew is so held.

Where one ambulance is used for double-stretcher cases the charge shall be a one and one-half rate.

**SEC. 248. Vehicles to Be Used as Ambulances.** (a) No ambulance shall be so decorated as to convey to the public the idea that it is an emergency hospital ambulance.

(b) The term "ambulance" shall not be used or displayed on any vehicle or conveyance, public or private, unless used to move a sick or injured person.

(c) No vehicle or conveyance which will in any manner be used or shall be used for the removal or conveyance of the dead shall be used as an ambulance.

(d) No person or persons who, in any manner, personally handles the dead shall operate or be employed in the operation of any ambulance.

(e) Any permit holder may adopt a color or combination of color scheme which may be exclusively allotted to such holder by the Director of Public Health.

**SEC. 249. Penalty.** Any person, firm or corporation who shall violate any of the provisions of Sections 245 to 248, inclusive, of this Article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars and not more than Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for not more than one hundred (100) days, or by both such fine and imprisonment.

**SEC. 254. Establishment, Etc., of Medical Colleges.** It shall be unlawful for any person, corporation or association to erect, establish or maintain any medical college or building or place for the dissection of human bodies without permission from the Department of Public Health.

**SEC. 255. Tattooing. Definitions.** For the purpose of this ordinance certain words and phrases shall be construed as hereinafter defined. Words in the singular include the plural, and words in the plural shall include the singular. Words in the present tense shall include the future.

(a) **Director of Public Health.** The term "Director of Public Health" shall include the Director of Public Health, his assistant, or any regularly qualified employee or inspector of the Department of Public Health in the City and County of San Francisco.

(b) **Tattooing** shall mean any method of placing designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or colors, by the aid of needles or instruments.

(c) **Person.** Person shall mean any individual, firm or corporation, owner or operator of a tattooing establishment.

**SEC. 256. Permit.** It shall be unlawful for any person, firm or corporation, owning, controlling and leasing, acting as agent for, conducting, managing or operating any establishment to practice the art of tattooing or to engage in the practice of tattooing, without first applying for and receiving a permit from the Director of Public Health of the City and County of San Francisco in the manner hereinafter provided.

Every applicant for such permit shall file with the Department of Public Health of the City and County of San Francisco a written application, which shall state the name and address of the applicant, a description of the property by street and number, wherein and whereon it is proposed to conduct the tattooing establishment, the number of persons to be employed in such establishment, together with a description of the experience and qualifications of each person engaged in the practice of tattooing, and such other pertinent information as the Department of Public Health may require.

**SEC. 257. Investigation and Inspection.** It shall be the duty of the Director of Public Health of the City and County of San Francisco to investigate the statements made in the application, and the premises where it is proposed to practice the business of tattooing, and if it shall appear to the Director of Public Health that the statements contained in the application are true and that the sanitary conditions prevailing upon the premises comply with the provisions of this ordinance and the state laws and conform to the rules and regulations of the Director of Public Health of the City and County of San Francisco, a permit therefor shall be granted for the establishment. Such permit shall be granted only upon the express condition that it shall be subject to suspension or revocation by the Director of Public Health upon a showing satisfactory to said Director of a violation by the holder of such permit, or person or employee, acting with his consent or under his authority, of any provision of this ordinance or any law of the State of California, or any rule or regulation of the Director of Public Health of the City and County of San Francisco regulating tattooing establishments, which rules or regulations the Director of Public Health is hereby authorized to make.

**SEC. 258. License Fees.** Upon approval of an application for a permit to engage in the practice of tattooing, the Director of Public Health shall forward the permit therefor to the Tax Collector, who, upon payment of the license fee hereinafter provided, shall issue the permit to the designated permittee.

Every person engaged in the business of conducting, managing or operating any establishment for the practice of the art of tattooing, shall pay a license tax of \$36.00 per year, or for any portion of a year, payable annually in advance.

**SEC. 259. Qualifications of Operator.** It shall be unlawful for any person to employ an operator in the practice of tattooing without such operator having first secured an operator's card. The issuance of the operator's card herein provided shall be subject to the applicant's compliance with the regulations and passage of the physical examination required by the rules and regulations of the Director of Public Health. An operator's card shall be granted only on the express condition that it shall be subject to suspension or revocation by the Director of Public Health upon a showing satisfactory to the Director of Public Health of a violation by the holder of said operator's card of any rule of the Director or provision of this ordinance or of state law or upon a satisfactory showing that the operator does not possess sufficient skill or that he is negligent and has been responsible for communication of infections.

**SEC. 260. Suspension or Revocation of Operator's Permit.** Suspension or revocation of a permit for an operator's card shall automatically suspend or revoke any license issued to such person under the provisions of this or any other ordinance of



the City and County of San Francisco. Upon the making of any order of suspension or revocation, the Director of Public Health shall in writing notify the Tax Collector and the Police Department.

**SEC. 261. Expiration Date of Permit.** A permit for a tattooing establishment or an operator's card under the provisions of this ordinance may be granted at any time during the year, but all permits and operator's cards issued hereunder shall expire on the thirtieth day of the next succeeding June. Said permit or operator's card shall not be transferable.

**SEC. 262. Permits and Operators' Cards—Posting of.** All permits, operators' cards and regulations of the Director of Public Health shall be posted at all times in a conspicuous place in the establishment.

**SEC. 263. Violations—Penalty.** Any person, firm or corporation who shall violate any of the provisions of this ordinance or fail to comply with any order or regulation made thereunder, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Fifty (\$50.00) Dollars or more than Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a period of not less than ten (10) days or more than six (6) months, or by both such fine and imprisonment.

## ARTICLE 6

### GARBAGE AND REFUSE

Sec. 280. Dumping of refuse, etc., in designated places prohibited.

Sec. 281. Penalty.

Sec. 286. Hours of removal of waste from fish markets fixed.

Sec. 287. Penalty.

Sec. 292. Character of vehicles for garbage removal.

Sec. 297. Use of manure wagons.

Sec. 307. Removal of waste from wholesale vegetable markets.

Sec. 308. Sale on sidewalks or from standing vehicles prohibited.

Sec. 313. Routes of garbage collectors—Collection permits.

Sec. 318. Garbage disposal franchise and terms thereof.

- (a) Price to be charged.
- (b) Receipt of garbage.
- (c) Transportation and disposal.
- (d) Right to terminate.
- (e) Bond of grantee.
- (f) Requirements.
- (g) Recreation center.
- (h) Street refuse.
- (i) Non-assignability.
- (j) Statement to Controller.
- (k) Cost of inspection.

Sec. 323. Refuse collection and disposal.

**SEC. 280. Dumping of Refuse, Etc., in Designated Places Prohibited.** No person, company or corporation shall deposit, dump or cause to be dumped or deposited upon any street, lot or lands within City and County of San Francisco or in any water or waterways within said city and county, or from any wharf or bulkhead on the waterfront of said city and county, except as hereinafter provided any house refuse, butchers' offal, garbage, refuse, dirt, ashes, cinder, sludge, broken glass, crockery, tins, bones, rubbish or other like matter or any dead animals (not otherwise provided for by contract or franchise heretofore granted by the city and county), or putrid or stinking animal or vegetable matter or fish, flesh and food condemned by the Department of Public Health as unfit for human food.

**SEC. 281. Penalty.** Any person, company or corporation violating the provisions of Section 280 shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding Two Hundred and Fifty (\$250.00) Dollars, or by imprisonment for a term not exceeding one hundred (100) days, or by both such fine and imprisonment; and it shall be the duty of the Chief of Police to take such steps and to issue such orders to the members of the force under his control as

shall insure the arrest and punishment of any and all persons violating the privileges of Section 280.

It shall be and is hereby made the duty of the Department of Public Health to aid by all means in its power the enforcement of the provisions of Section 280.

**SEC. 286. Hours of Removal of Waste from Fish Markets Fixed.** The garbage and waste from all wholesale fish markets, or places from which fish is distributed to markets and stalls, must be removed daily between the hours of 5 o'clock P.M. and 8 o'clock A.M.

**SEC. 287. Penalty.** Any person, firm or corporation violating any of the provisions of Section 286 of this Article, shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding Twenty-Five (\$25.00) Dollars or imprisonment not exceeding twenty-five (25) days, or by both such fine and imprisonment.

**SEC. 292. Character of Vehicles for Garbage Removal.** All vehicles used for the transportation of garbage, ashes or refuse of any description shall be lined with zinc, sheet iron or other metallic substance, and shall be water tight, so that no leakage can escape from such vehicles. Such vehicles shall also be provided with water-tight canvas covers which covers shall at all times, when said vehicles are passing along or standing upon any street or alley of this City (except when owner or person having such vehicle in charge is in the act of securing a load to be emptied into said wagon, a space sufficiently large to permit the contents of the garbage can to be emptied into the vehicle may be kept open during time necessary to secure said load; provided, however, said space may not remain open or uncovered longer than ten (10) minutes at any one time), be kept on such vehicles in such a manner that the covers shall extend well down the sides and ends of the vehicles, and be securely fastened at the corners, sides and ends of the vehicles; and said vehicles shall in said manner be kept covered (except as hereinabove provided), at all times when driven on the public streets and crossings; provided, however, that if, immediately upon said vehicle being emptied of its contents at the garbage crematory, the interior sides and floors of said vehicles shall be well scraped out, cleansed with water and thereupon swept so as to be reasonably clean and so as to give forth no noisome odors; said vehicle may be driven from said garbage crematory to the stable of its owner, without being covered during said time; and if not so cleansed, swept and scraped, said vehicle must be kept covered, when empty.

Vehicles used for the transportation of swill shall be so constructed that the same shall be water tight, and that no leakage can escape from such vehicles, and such vehicles shall be provided with a hinged cover which can be tightly closed. All vehicles for the transportation of swill or garbage of any character shall be subject to the approval of the Director of Public Health before licenses for their operation are issued.

**SEC. 297. Use of Manure Wagons.** It shall be unlawful for any person, firm or corporation to transport or carry manure or stable refuse in any vehicle without a permit from the Department of Public Health certifying its approval of the construction of such vehicle, and specifying the manner in which such vehicle may be used.

It shall be unlawful for any person to load manure or stable refuse upon any vehicle elsewhere than within the premises from which the same is to be removed, or to transport manure or stable refuse through the public streets in such manner as to permit the same to fall upon any street; or to unload or deposit manure or stable refuse from any vehicle, anywhere within the city and county, without a permit from the Department of Public Health.

All manure or stable refuse must be removed from the stable at least semi-weekly, and at all times shall such stable or other place, and every part and appurtenance thereof, be kept in a clean and sanitary condition.

**SEC. 307. Removal of Waste From Wholesale Vegetable Markets.** The rubbish, garbage and waste from all wholesale vegetable markets and from the sidewalks and streets in front of said wholesale vegetable markets, must be removed daily, between the hours of 5 o'clock P.M. and 9 o'clock A.M.

**SEC. 308. Sale on Sidewalks or From Standing Vehicles Prohibited.** It shall be unlawful for any person, firm, or corporation engaged in the sale or barter of vegetables to use any sidewalk in the City and County of San Francisco for the purpose of selling, storing, dealing in or bartering said vegetables, and it shall be unlawful for any such person, firm or corporation to keep or permit any vehicle standing

alongside of said sidewalk, for the purpose of selling, storing, bartering or dealing in vegetables, or for the purpose of carrying on the business of selling, bartering or dealing in vegetables, and it shall be unlawful for any such person, firm or corporation to deal in, sell or barter any vegetables from any standing vehicle while in said street.

Nothing in this section, however, shall be interpreted to prevent a person owning or renting a store or stall for the purpose of dealing in, selling or bartering vegetables, from using the sidewalk in front of the said store or stall for the purpose of transporting said vegetables from the said store or stall to any vehicle or from any vehicle to the said store or stall, or from storing the same on the sidewalk for the purpose of such transportation or from keeping any vehicle standing in front of the said store or stall for the purpose of said transportation.

**SEC. 313. Routes of Garbage Collectors—Collection Permits.** It shall be unlawful for any person, firm or corporation, whether such person, firm or corporation is licensed to collect refuse or not, as provided in Sections 4 and 8 of that certain ordinance "No. 17,083, approved by the electors at the general election held on November 8, 1932, providing for the collection and disposition of refuse in the City and County of San Francisco; providing for the licensing of refuse collectors by the Director of Public Health; fixing the maximum rates or charges for the collection of refuse by licensed refuse collectors, from homes, apartment houses, stores, etc.; dividing the City and County of San Francisco into collection routes; providing for penalties for the violation of the provisions of said ordinance", to collect any refuse from any dwelling place, household, apartment house, store, office building, restaurant, hotel institution or commercial establishment in the City and County of San Francisco or on any of the garbage routes into which said city and county is divided, under and by virtue of the provisions of Section 4 of the aforesaid ordinance, approved by the electors at the general election held on November 8, 1932, without first having obtained from the Director of Public Health a permit so to do in the manner and on the terms and conditions specified in Section 4 of the aforesaid ordinance approved by the electors at the general election held on November 8, 1932.

Any permit applied for by any person, firm or corporation and issued by the Director of Public Health under the provisions of the aforesaid ordinance approved by the electors at the general election held on November 8, 1932, shall be for a certain route or certain routes as said route or routes are defined, designated and delineated by Section 4 of said ordinance approved by the electors at the general election held on November 8, 1932, and shall constitute permission to collect refuse only on the route or routes designated in said permit.

It shall be unlawful for any person, firm or corporation holding a permit from the Director of Public Health under the provisions of Section 4 of the aforesaid ordinance adopted by the electors at the general election on November 8, 1932, to collect garbage or to attempt to collect refuse from any dwelling place, household, apartment house, store, office building, restaurant, hotel, institution or commercial establishment, situate on any other route or routes than the route or routes for which such permit is issued.

The term "refuse" as used in this section shall be taken to mean all waste and discarded materials as defined by Section 1 of the aforesaid ordinance adopted by the electors at the general election held November 8, 1932.

**SEC. 318. Garbage Disposal Franchise and Terms Thereof.** A franchise or privilege for the disposal of garbage and refuse collected in the City and County of San Francisco is hereby granted to the Sanitary Fill Company for a period of ten (10) years from and after the third day of December, 1935, subject to the terms and conditions hereinafter set forth.

The definition of the words "garbage" and "refuse", wherever used herein, shall conform to that given in the Refuse Collection and Disposal Ordinance adopted by the voters of the City and County of San Francisco at the General election held on November 8, 1932.

(a) **Price to Be Charged.** The maximum price which said Sanitary Fill Company may charge for the disposal of the garbage and refuse of the City and County of San Francisco delivered at Sixth and Sixteenth Street ramp in the Southern Pacific Company's yard, San Francisco, shall be the sum of One (\$1.00) Dollar per ton, or such sum as may be agreed upon between said Sanitary Fill Company and the collectors thereof, or, in the event that said Sanitary Fill Company and the collectors of said garbage cannot agree upon such sum, then such sum as may be fixed

by this Board of Supervisors, under and by virtue of the power conferred upon it by that certain ordinance known as the "Refuse and Collection and Disposal Ordinance", adopted by the voters at the general election held on November 8, 1932, subject to definitions, requirements, conditions and plans and specifications herein-after set forth.

(b) **Receipt of Garbage.** The grantee shall receive at its ramp, situate in the yards of the Southern Pacific Company at Sixth and Sixteenth Streets in the City and County of San Francisco, for disposal, all garbage and refuse lawfully collected in said city and county, on all days when garbage and refuse is collected in the said city and county, and shall cause said garbage and refuse to be loaded on railroad cars. No garbage or refuse shall be kept at said ramp for a longer period than twenty-four (24) hours after receipt.

The grantee shall not require the segregation of garbage received for disposal.

(c) **Transportation and Disposal.** The Sanitary Fill Company shall transport said garbage, when the cars are filled, over the line of the Southern Pacific Company to the tide lands of the Southern Pacific Company situate in the Bay Shore Sanitary District in the County of San Mateo, State of California, and more particularly described as follows, to-wit: The tide lands of the Southern Pacific Company situated immediately south of and adjacent to the southerly boundary of the City and County of San Francisco and immediately easterly and adjacent to the main tracks of the right of way of the Southern Pacific Company, where said tracks traverse said County of San Mateo immediately upon leaving the City and County of San Francisco.

Grantee shall deposit said garbage on said tide lands of the Southern Pacific Company and forthwith cover same with earth, rock, sand and gravel in the manner hereafter stated.

That in all matters and operations connected with this franchise or privilege, and the work to be done thereunder, the grantee shall respect and strictly comply with the Charter and all ordinances of the City and County of San Francisco, all the laws of the United States and of the State of California, and all ordinances, rules or regulations of any municipal, sanitary or other public district or corporation, which are or shall be or become applicable to and control or limit in any way the actions of those engaged hereunder in any way as principal or agent.

The grantee shall, if duly required to do so by this Board of Supervisors, transport and dispose of said garbage at Mills Field in San Mateo County, or at such other point as may be designated by the Board of Supervisors for such price as shall be determined by said Board of Supervisors, of said city and county, and under such requirements as shall be demanded by the City Engineer of said city and county and the duly constituted health authorities of the State of California and various political subdivisions concerned but in no event shall grantee be required to transport and dispose of said garbage at a point beyond a radius of fifty (50) miles from the ramp at Sixth and Sixteenth streets, San Francisco.

Grantee shall handle such garbage and refuse so that no nuisance of any nature will result from the deposit of garbage on said tide lands, nor from the disposition of ashes, residue or reject materials which may accumulate at the place of final disposal.

(d) **Right to Terminate.** At any time within the life of this franchise, the City and County of San Francisco shall have the right to terminate the franchise or privilege hereby granted by giving to grantee six (6) months' notice of its intention to so terminate said privilege and by paying grantee the fair market value of its equipment, machinery, structures and property used in connection with the disposal of garbage hereunder; said value shall be determined in so far as same are applicable, by the provisions of the Charter of the City and County of San Francisco regarding the termination of operating permits for street railways in said city and county.

(e) **Bond of Grantee.** Grantee shall forthwith, upon the final passage of this section, execute an agreement in writing by which grantee shall agree to all of the terms and conditions of this section, and shall forthwith file and maintain with this Board of Supervisors a surety company bond running to the City and County of San Francisco to be approved by the Board of Supervisors, in the penal sum of Fifty Thousand (\$50,000.00) Dollars, said bond to be conditioned that grantee shall faithfully fulfill the terms and conditions of its franchise, and shall well and truthfully observe, fulfill and perform each and every term and condition thereof, including the guarantee hereinabove mentioned that no nuisance of any

nature will result from the deposit of garbage on said tide lands, nor from the disposition of ashes, residue or reject materials which may accumulate at the place of final disposal, and that, in the case of any breach of condition of such bond, the whole amount of said penal bond shall be taken and deemed to be liquidated damages, and shall be recoverable from the principal and sureties on said bond. That said penal sum of Fifty Thousand (\$50,000.00) Dollars is presumed to be the amount of damage sustained by a breach of the provisions of this section and the provisions of the agreement hereinabove mentioned because of the impracticability and extreme difficulty involved in fixing actual damage.

A substitute bond, under the same terms and conditions, may be filed by the grantee from time to time provided it meets with the approval of the Board of Supervisors. In the event that the Board of Supervisors shall demand a change in the surety company furnishing the bond, grantee shall provide a surety company which shall be agreeable to the Board of Supervisors.

(f) **Requirements.** The grantee shall fulfill Sanitary Fill requirements as follows:

(1) The garbage, when discharged into cars for transportation from the ramp to the fill, shall be thoroughly wet down for the purpose of eliminating dust and aiding compaction when put in place at the fill.

(2) When the garbage is discharged at the fill, the depth of each layer or lift required to bring the fill to its final elevation shall not exceed six (6) feet, including two (2) feet of earth, sand or rock cover when compacted. As soon as it is placed, it shall be thoroughly rolled with a suitable roller or weighted truck.

(3) Mud from the bay shall not be used for covering the garbage and waste unless by permission of the duly constituted health authorities and unless no nuisance will thereby be created.

(4) Pools of water containing large amounts of organic matter shall not be allowed to collect around the edge of the fill or elsewhere. All such pools shall be drained into regulated channels which in turn will discharge into adequate bodies of diluting water.

(5) A suitable boom shall be placed adjacent to the outer face of the fill of sufficient length and strength to provide against any waste or material escaping into the bay.

(6) The fill is to be under the constant inspection of the City Engineer or his authorized agents to the end that the requirements herein set forth shall faithfully be kept.

(7) It is agreed that the City Engineer reserves the right to order additional work and materials if such be necessary to obtain a complete seal.

(8) No fires shall be allowed to burn on the dump.

(9) A sufficient supply of water shall be provided to extinguish any fire which may inadvertently, or otherwise, occur on the dump.

(10) A suitable trash burner shall be provided if it is desired to burn at the fill boxes, wood and other combustible materials which will not yield offensive odors.

(11) Fly breeding, if such occurs, shall be kept down by disinfectant sprays, traps and other means.

(12) Every reasonable effort shall be made to keep down the number of rodents.

(13) Cars used in the transportation of garbage, after being unloaded, shall be swept clean inside and out and shall be washed at least once a week.

(g) **Recreation Center.** Grantee shall establish and maintain a recreation center on the completed portion of the fill for the benefit of the citizens of the Bay Shore Sanitary District and the residents of the southern portion of the City and County of San Francisco, which recreation center shall contain baseball fields, tennis courts, a playground and requisite comfort facilities.

(h) **Street Refuse.** Grantee shall receive and dispose of all garbage and refuse collected by the Street Cleaning Department of the City and County of San Francisco, delivered at the said ramp at Sixth and Sixteenth streets, San Francisco, without charge or cost of any kind to the City and County of San Francisco.

(i) **Non-Assignability.** This franchise or privilege is not assignable, provided, however, that said Sanitary Fill Company may incorporate and thereafter continue its status as a lawful corporation.

(j) **Statement to Controller.** Grantee shall furnish to the Controller of the City and County of San Francisco a detailed statement of operation under oath at the end of each calendar year.

(k) **Cost of Inspection.** Grantee shall pay to the City and County of San Francisco the sum of Three Thousand Nine Hundred Sixty (\$3,960.00) Dollars per annum, to cover the salary of an inspector to be employed by the City and County of San Francisco at the fill.

Whenever the word "garbage" is used herein, it shall be understood to mean the garbage and refuse collected in the City and County of San Francisco.

**SEC. 323. Refuse Collection and Disposal.** The Refuse Collection and Disposal Ordinance (Ordinance No. 17,083), adopted by the voters as an Initiative Measure at an election held November 8, 1932, which ordinance was amended by Ordinance No. 4181 adopted by the voters as an Initiative Measure at an election held November 5, 1946, is as follows:

Providing for the collection and disposition of refuse in the City and County of San Francisco; providing for the licensing of refuse collectors by the Director of Public Health; fixing the maximum rates or charges for the collection of refuse by licensed refuse collectors from homes, apartment houses, stores, etc.; dividing City and County of San Francisco into collection routes; providing penalties for the violation of the provisions of this ordinance.

**BE IT ORDAINED BY THE PEOPLE OF THE CITY AND COUNTY OF SAN FRANCISCO, AS FOLLOWS:**

Section 1. The term "refuse" as used in this ordinance shall be taken to mean all waste and discarded materials from dwelling places, households, apartment houses, stores, office buildings, restaurants, hotels, institutions and all commercial establishments, including waste or discarded food, animal and vegetable matter from all kitchens thereof, waste paper, cans, glass, ashes, and boxes and cuttings from trees, lawns and gardens.

Section 2. It shall be unlawful for any person, firm or corporation to dispose of refuse as defined in this ordinance except as herein provided, save that the provisions of this ordinance shall not include refuse which may be incinerated by an owner of a building for himself or for his tenants on the premises where produced; provided, however, that such incineration shall be subject to inspection and control by the Director of Public Health and the Fire Department. Failure of any householder producing refuse to subscribe to and pay for refuse collection, unless such householder is a tenant for whom refuse collection service is provided by his landlord, shall be prima facie evidence that such householder is disposing of refuse in violation of this ordinance.

Section 3. Refuse consisting of waste or discarded food, animal and vegetable matter, discarded containers of food, animal and vegetable matter and ashes shall be collected and placed in suitable metal cans of thirty gallons or less capacity by the producer or landlord who by reason of contract or lease with an occupant is obligated to care for such refuse, for collection by a refuse collector to be disposed of as herein provided. Waste paper and boxes and other refuse materials not subject to putrefaction, or decay, and cuttings from trees, lawns and gardens may be placed in any suitable container and delivered by the producer or landlord, who by reason of contract or lease with the occupant is obligated to care for such refuse and deliver same to a refuse collector, to be disposed of as herein provided; provided, however, that it shall be optional with the producer or landlord to deliver waste paper or other refuse having a commercial value to a refuse collector, and the producer or landlord may dispose of the same in any manner he may see fit. Any charge made by a refuse collector for removal from residences, flats or apartments of waste material not placed in metal cans shall not exceed rates fixed herein for collection and disposal of equivalent volumes of refuse. Refuse which under the provisions hereof must be deposited in a metal can of suitable capacity shall be removed daily from the place where the same is created.

Section 4. It shall be unlawful for any person, firm or corporation, other than a refuse collector licensed by the Director of Public Health as in this ordinance provided, to transport through the streets of the City and County of San Francisco any refuse as in this ordinance defined, or to collect or to dispose of the same, except waste paper, or other refuse having a commercial value. It is provided, however, that a license for a refuse collector, as provided in Section 8 hereof, shall be distinguished from a permit to operate, in the City and County of San Francisco on a certain designated route, as hereinafter provided.

Upon the conviction of any person, firm or corporation for any violation of the provisions of this ordinance, the permit of such person, firm or corporation issued

under the provisions of this ordinance, shall be forthwith and immediately terminated and canceled as of the date of conviction.

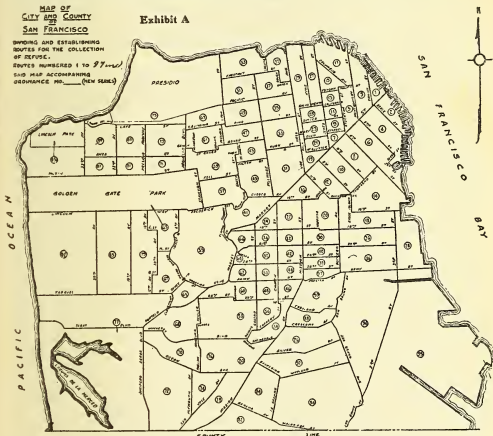
**MAP OF  
CITY AND COUNTY  
OF  
SAN FRANCISCO**

**Exhibit A**

SHOWING AND ESTABLISHING  
ROUTES FOR THE COLLECTION  
OF REFUSE.

ROUTES NUMBERED 1 TO 97--

SAID MAP ACCORDING  
ORDINANCE NO. (NEW SERIES)



**MAP OF THE CITY AND COUNTY OF SAN FRANCISCO**

The City and County of San Francisco is herewith divided and established into routes for the collection of refuse, as designated on a map of the City and County of San Francisco, attached hereto, each said route to include only the side of the street or streets bounding each route as designated by a number on said map, said routes being numbered one to ninety-seven, inclusive, and said map and said routes are marked Exhibit A, and attached hereto and made a part of this ordinance.

Any person, firm or corporation desiring to transport through the streets of the City and County of San Francisco, any refuse as herein defined, or to collect or dispose of the same, shall make application to the Director of Public Health for permission so to do. Said application for such permit shall contain the name of the person, firm or corporation, any of the particular route or routes, designated in said map of routes, proposed to be served by said person, firm or corporation, and a statement that said person, firm or corporation will abide by all the provisions of this ordinance, and will not charge a greater rate for the collection and disposition of said refuse than that fixed in this ordinance.

The Director of Public Health shall grant such application for a permit, but may refuse the same when the route proposed is already adequately served by a licensed refuse collector. An application for a permit must be granted, however, by the said Director of Public Health, and it is mandatory on said director to grant the same, when it shall appear in any said application for a route or routes by a person, firm or corporation, that twenty per cent or more of the householders, business men, apartment house owners, hotel keepers, institutions or residents in said route or routes, using refuse service, and paying for same, or obligated to do so, have signed a petition or contract in which they have stated that they are inadequately



served by any refuse collector who is then collecting refuse on said route. That inadequate service is herein defined as the failure, on the part of any refuse collector to properly collect refuse on said route, or the overcharging for the collection of same, or for insolence towards persons whose refuse has been collected, or the collection by any refuse collector whose license has been revoked as provided in Section 9 hereof. Such permit so granted by the Director of Public Health shall not be exclusive, however, and one or more persons, firms or corporations may be given a permit to collect on the same route.

Persons, firms or corporations desiring to transport through the streets of the City and County of San Francisco only waste paper or other refuse having a commercial value, and to collect and dispose of same need not obtain a permit therefor under the provisions of this ordinance from the Director of Public Health as for the collection of other refuse.

Section 5. All refuse collected by any refuse collector shall be incinerated at the San Francisco incinerator, located in the block bounded by Alameda, Fifteenth, Rhode Island and DeHaro streets, or at some other incinerator, hereafter designated by the Board of Supervisors of the City and County of San Francisco, or shall be disposed of by any other method designated by the Board of Supervisors, except dumping at sea. It is provided, however, that metals may be melted at places other than at said incinerator.

That said incinerator shall be placed under the control of some person, firm or corporation designated by the Board of Supervisors and said person, firm or corporation, shall incinerate in said incinerator all refuse received, as herein provided, or the Board of Supervisors may provide for the disposition of refuse by any other means, except dumping at sea, as provided by law or ordinance of the City and County of San Francisco, and said person, firm or corporation incinerating, or otherwise disposing of said refuse as herein provided, may charge the refuse collector for such disposition, a charge which may be agreed upon between the refuse collector and said person, firm or corporation for so disposing of said refuse. Provided, however, that if such charge cannot be agreed upon, such charge shall be fixed and determined by the Board of Supervisors, but in no event shall the charge exceed the maximum of One Dollar and Fifty cents per ton. Should any dispute arise between the refuse collector and the person, firm or corporation having control of said incinerator, or other disposition of refuse, as provided for by law, concerning the amount of such charge, pending the determination thereof by the Board of Supervisors as herein provided, the person, firm or corporation having charge and control of said incinerator or other disposition of said refuse, shall continue such disposition until the matter of such charge will have been determined by the Board of Supervisors, and upon such determination, the refuse collector shall pay to the said person, firm or corporation the amount fixed by said person, firm or corporation in charge of said incinerator for all refuse incinerated or otherwise disposed of pending said dispute.

Section 6. The rates or charges for the collection and disposition of refuse as herein defined, by refuse collectors, shall be as follows:

Monthly rates from residences and flats for one container of not exceeding thirty gallons. Made from the ground floor:

Collections per Week:					Collections per Week:				
No. Rms.	(1)	(2)	(3)	(4)	No. Rms.	(1)	(2)	(3)	(4)
1 to 4, incl..	\$.60	\$.75	\$1.00	\$1.30	9	\$.85	\$1.15	\$1.35	\$1.60
5	.65	.85	1.05	1.35	10	.90	1.25	1.45	1.75
6	.65	.85	1.05	1.40	11	.95	1.30	1.50	1.80
7	.75	1.00	1.15	1.45	12	1.00	1.40	1.60	1.90
8	.80	1.10	1.30	1.50					

Monthly rates from residences and flats for one container of not exceeding thirty gallons. Made from second floor, one stairway above ground floor or basement:

Collections per Week:					Collections per Week:				
No. Rms.	(1)	(2)	(3)	(4)	No. Rms.	(1)	(2)	(3)	(4)
1 to 4, incl..	\$.65	\$.85	\$1.05	\$1.35	9	\$.95	\$1.30	\$1.50	\$1.75
5	.75	.90	1.15	1.45	10	1.00	1.35	1.50	1.85
6	.75	.95	1.30	1.50	11	1.00	1.40	1.60	1.90
7	.80	1.05	1.35	1.60	12	1.05	1.50	1.75	2.05
8	.90	1.25	1.45	1.70					



Monthly rates from residences and flats for one container of not exceeding thirty gallons. Made from third floor, two stairways above ground floor or basement:

Collections per Week:					Collections per Week:				
No. Rms.	(1)	(2)	(3)	(4)	No. Rms.	(1)	(2)	(3)	(4)
1 to 3, incl.	\$ .70	\$ .85	\$1.10	\$1.40	8	\$ .95	\$1.40	\$1.80	\$1.85
4	.70	.85	1.35	1.45	9	1.00	1.50	1.90	2.00
5	.75	.90	1.50	1.50	10	1.00	1.50	2.05	2.10
6	.75	.90	1.60	1.70	11	1.05	1.60	2.15	2.25
7	.90	1.30	1.70	1.80	12	1.10	1.75	2.25	2.35

Monthly rates from residences and flats for one container of not exceeding thirty gallons. Made from fourth floor, three stairways above ground floor or basement:

Collections per Week:					Collections per Week:				
No. Rms.	(1)	(2)	(3)	(4)	No. Rms.	(1)	(2)	(3)	(4)
1 to 3, incl.	\$ .70	\$ .95	\$1.35	\$1.60	8	\$1.00	\$1.50	\$2.05	\$2.30
4	.70	.95	1.50	1.85	9	1.05	1.70	2.15	2.40
5	.85	1.05	1.70	2.00	10	1.05	1.80	2.25	2.50
6	.90	1.10	1.80	2.10	11	1.10	1.90	2.35	2.65
7	1.00	1.45	1.90	2.20	12	1.25	2.05	2.45	2.75

Monthly rates from apartment houses:

Collections Per Week:				
No. Rms.	(6)	(4)	(3)	(2)
10	\$ 2.40	\$1.90	\$1.70	\$1.50
20	4.50	3.90	3.50	3.10
30	6.30	5.10	4.70	4.10
40	7.80	6.90	5.90	-----
50	9.00	8.15	6.90	-----
60	10.00	9.20	-----	-----
70	11.00	10.30	-----	-----
80	12.00	11.20	-----	-----
90	13.00	12.10	-----	-----
100	14.00	12.90	-----	-----
110	15.20	-----	-----	-----

Collections Per Week		Collections Per Week		Collections Per Week	
No. Rooms	(6)	No. Rooms	(6)	No. Rooms	(6)
120	\$16.30	290	\$35.00	450	\$51.60
130	17.40	300	36.00	460	52.70
140	18.50	310	37.00	470	53.80
150	19.60	320	38.00	480	54.90
160	20.70	330	39.00	490	56.00
170	21.80	340	40.00	500	57.10
180	22.90	350	41.00	510	58.20
190	24.00	360	42.00	520	59.30
200	25.10	370	43.00	530	60.40
210	26.00	380	45.00	540	61.50
220	27.00	390	46.00	550	62.60
230	28.00	400	47.00	560	63.70
240	29.00	410	47.20	570	65.80
250	30.00	420	48.30	580	65.90
260	31.00	430	49.40	590	67.00
270	32.00	440	50.50	600	68.00
280	33.00				

Rates for residences and flats shall be increased for more than one container of a maximum of thirty gallons by 10 cents per additional container per collection.

The rates for more than 600 rooms in any one apartment house shall be subject to contract between the owner or lessee of the apartment house and a duly licensed refuse collector.

In determining the number of rooms of any household, building or apartment in order to ascertain the rate for the collection and disposition of refuse therefrom, halls, alcoves, storerooms, bathrooms, closets and toilets shall not be considered as

rooms, nor shall basements or attics be considered as rooms unless the same be occupied as living quarters.

Any collection and disposition charges not specifically set forth herein shall be subject to contract between the producer and a duly licensed refuse collector.

Section 7. It shall be unlawful for any refuse collector to charge a greater rate for the collection and disposition of refuse than that fixed in Section 6 of this ordinance.

Nothing herein contained shall be taken or construed as preventing a refuse collector from charging a less rate or charge for the collector of refuse than that fixed in Section 6 of this ordinance.

Section 8. Each licensed refuse collector shall be assigned a number by the Director of Public Health. The Director of Public Health shall furnish each collector a metal badge on which is marked the number assigned the collector, who at all times while collecting refuse shall wear said badge in plain view. The Director of Public Health shall collect from each collector for the expense of providing said badge and the issuance of said license the sum of Five Dollars. Each vehicle or wagon in which refuse is transported through the streets shall be assigned a number by the Director of Public Health and the number thereof shall be plainly marked thereon.

Section 9. The license, as distinguished from a permit herein, of any refuse collector, may be revoked by the Director of Public Health for failure on the part of the refuse collector to properly collect refuse, or for overcharging for the collection of same, or for insolence towards persons whose refuse he is collecting, and it shall be unlawful for any person whose license is so revoked to collect refuse in the City and County of San Francisco.

No license of a refuse collector shall be revoked except upon a hearing of which the refuse collector has been given a notice of at least three days.

Section 10. Upon the payment of the rate fixed in this ordinance for the collection and removal of refuse, the person paying the same shall be entitled to, and there shall be delivered to him a receipt on which shall be shown the amount paid, the premises for which it is paid, the name and number of the collector, the number of the vehicle or wagon, and, in clearly legible print, the schedule of rates herein set forth for his classification of establishment. On the face of said receipt there shall be printed the following words: "The rates for the collection of refuse are fixed by initiative ordinance and are printed on the back of this receipt. Complaints as to service should be made to the Department of Public Health."

Section 11. Disputes over charges made by collectors or as to the character of the service performed shall be decided by the Director of Public Health. Any charges made in excess of rates fixed in this ordinance, when determined by the Director of Public Health, shall be refunded to the person or persons who paid the excess charge.

Section 12. A refuse collector shall be entitled to payment for the collection of refuse at the end of each month from each householder or landlord served by him and from whom the payment is due.

Section 13. The initiative ordinance passed by the People of the City and County of San Francisco on June 1, 1927, providing for the collection and disposition of refuse in the City and County of San Francisco; providing for the licensing of refuse collectors by the Board of Health; fixing the maximum rates or charges for the collection of refuse by licensed refuse collectors from homes and apartment houses; dividing City and County of San Francisco into collection routes; and providing penalties for the violation of the provisions of this ordinance, and all other ordinances in conflict herewith, are herewith repealed.

Section 14. Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment.

Section 15. This ordinance shall take effect ten days after the declaration of the official count of the votes cast therefor; provided, however, that for the purpose of issuing licenses to refuse collectors, application may be filed and the licenses issued during the period between the final approval of this ordinance and the date of its taking effect.

Section 16. During the month of January each year the Controller of the City and County of San Francisco shall survey and examine into the rates to the producer for the collection and disposition of refuse, with a view to a reduction in such rates, and upon completion thereof shall report his conclusions to the Board of Supervisors. The Board of Supervisors may by a two-thirds vote reduce the rates upon receipt of said report when found to be justified, and may by a two-thirds vote increase said rates, but not to exceed the rates herein set forth. The Board of Supervisors shall have no other right to amend this ordinance. Each collector holding a permit shall keep such records as may be required by the Controller to produce the information necessary for the purposes of this section. The records shall be made available to the Controller at his request. At intervals of six months the Controller shall furnish the Department of Public Health estimates of the cost per hour for refuse collections from establishments for which rates are not fixed in this ordinance.

Section 17. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. It is hereby declared that this act, and each section, subsection, sentence, clause and phrase thereof, would have been passed irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases had been declared unconstitutional.

## ARTICLE 7 LAUNDRIES

Sec. 348. Spraying of clothes by certain methods prohibited.

Sec. 349. Penalty.

Sec. 354. Establishment and maintenance of public laundries.

- (a) Permit conditions.
- (b) Revocation of permits, etc.
- (c) Persons afflicted with contagious diseases.
- (d) Hours of work in public laundries.
- (e) Lettering on laundry vehicles.
- (f) Exception.
- (g) Windows in laundries.
- (h) Violation.

Sec. 359. Handling of clothes.

SEC. 348. **Spraying of Clothes by Certain Methods Prohibited.** It shall be unlawful for any person or persons, owning or employed in any laundry in the City and County of San Francisco, to spray the clothing of any person or persons with water emitted from the mouth of said owner or employee.

SEC. 349. **Penalty.** Any person violating any of the provisions of Section 348 of this Article shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding Fifty (\$50.00) Dollars, or by imprisonment in the County Jail for not more than one (1) month, or by both such fine and imprisonment.

SEC. 354. **Establishment and Maintenance of Public Laundries.** It shall be unlawful for any person, firm, corporation or association of persons to establish, maintain, operate or carry on the business of a public laundry or washhouse, where clothes or other articles are cleansed, ironed, washed, starched, marked or sorted for hire or profit, in any building or premises within the limits of the City and County of San Francisco, without having first obtained a permit therefor from the Department of Public Health, which said permit shall specify the name of the permittee and the location of the premises used or to be used as such laundry or wash-house.

(a) **Permit Conditions.** No permit shall be granted except satisfactory evidence that the premises are properly and sufficiently drained, and that all proper arrangements for carrying on the business without injury to the sanitary condition of the neighborhood have been complied with, and particularly that the provisions of all ordinances pertaining thereto have been complied with and a report from the Fire Marshal of the City and County of San Francisco, or other satisfactory evidence that the stoves, chimneys, machinery, equipment, washing and drying apparatus and the appliances for heating smoothing-irons are in good condition, and that their use is not dangerous to the surrounding property from fire, and that all proper precautions have been taken to comply with the provisions of the ordinance defin-

ing the fire limits of the City and County of San Francisco and regulating the erection and use of buildings in said city and county, and of all ordinances pertaining thereto.

It shall be the duty of the Director of Public Health and of the Fire Marshal, respectively, upon request of any applicant for a permit hereunder to inspect the premises on which it is proposed to establish, maintain, operate or carry on said business, or in which said business is being maintained, operated or carried on, with a view to ascertaining the existence or non-existence of the conditions and matters set forth in this section.

(b) **Revocation of Permits, Etc.** The Director of Public Health shall not grant, refuse or revoke any permit hereunder except after a full hearing, publicly had, at which the applicant or permittee may appear in person and by counsel and introduce evidence; and in the granting, refusal or revocation of permits said Director of Public Health shall exercise a sound and reasonable discretion.

Permits for the establishment, maintenance, operation or carrying on of a public laundry or wash-house issued hereunder are not transferable.

Any permit granted hereunder shall be revocable by the Director of Public Health for any violation of the provisions of any ordinances of the City and County of San Francisco in the conduct of such laundry or wash-house.

(c) **Persons Afflicted With Contagious Diseases.** No person, firm, corporation or association of persons maintaining, operating or carrying on the business of a public laundry or wash-house within the limits of the City and County of San Francisco shall permit any person suffering from an infectious or contagious disease to lodge, sleep or remain within or upon the premises used by him, her, it or them, for the purpose of such laundry or wash-houses.

It shall be unlawful for any person, firm, corporation or association of persons to establish, maintain, operate or carry on a public laundry or wash-house within the City and County of San Francisco in any building or any portion thereof, or in any annex or outhouse thereto or other premises that shall be occupied or used either directly or indirectly as a public hall or store or that is frequented by persons likely to spread infectious, contagious or loathsome diseases or that is occupied or used or frequented directly or indirectly for any immoral or unlawful purpose.

(d) **Hours of Work in Public Laundries.** It shall be unlawful for any person to carry on any laundering operation, or to keep any laundry establishment open or to pick up or deliver any laundry at any time on Sunday, New Year's Day, Decoration Day, Fourth of July, Labor Day, Washington's Birthday, Admission Day, Thanksgiving Day, or Christmas Day, except when any such holidays shall immediately precede or follow Sunday, and it shall be unlawful in any event for any person to carry on any laundering operations or to keep any laundry establishment open or to pick up or deliver any laundry between the hours of 7 o'clock P.M. and 7 o'clock A.M., provided that it shall be unlawful to clean up, tend water or make steam on Sundays or on the hereinabove named legal holidays, or to launder or deliver wholesale flat work or linen supply on Sundays or on said hereinabove named legal holidays, except, when, upon a reasonable showing, a permit so to do shall be issued by the Department of Public Health.

(e) **Lettering on Laundry Vehicles.** It shall be unlawful for any person, firm or corporation either as owner, agent or employee of any public laundry or public wash-house, where clothes or other articles are cleansed for hire, or for any owner or operator of any independently owned laundry route, to operate or to cause to be operated any vehicle for the purpose of receiving clothes or other articles to be cleansed or for the purpose of delivering any clothes or other articles which have been cleansed, unless such vehicle shall carry in letters at least four (4) inches high, painted on both sides, the name of the laundry where said clothes or other articles have been or are to be cleansed.

(f) **Exception.** The provisions of this section shall not apply to hotels, or hospitals maintaining or operating laundries exclusively for the convenience, service or accommodation of the respective guests, patients or employees.

(g) **Windows in Laundries.** The windows in any public laundry or public wash-house that open on any public thoroughfare shall be constructed and arranged to permit of an unobstructed view of the interior of said building during the hours in which work is prohibited by this section. The use of shutters, blinds, shades or other coverings that fill the entire window space is strictly prohibited.

(h) **Violation.** It shall be unlawful for any owner, lessee, occupant, or person in charge or control of any building or premises within the limits of the City and County of San Francisco or for the president, manager, superintendent or other managing officer of any firm, corporation or association to cause or to permit the business of public laundry or public wash-house to be established, maintained, operated or carried on in any building or premises within the City and County of San Francisco, in violation or in disregard of the provisions of this Article.

**SEC. 359. Handling of Clothes.** It shall be unlawful for any person, firm or corporation to maintain any device for receiving soiled clothing for the purpose of being laundered, or to conduct any office or place for the collection of soiled clothing for laundering purposes, or for the distribution of clothing after laundering, within any building, room, apartment, dwelling, basement or cellar where food stuffs are sold, offered for sale, prepared, produced, manufactured, packed, stored, or otherwise disposed of; or in any premises wherein the business of second-hand or misfit clothing, hat or clothing renovating, cleaning and dyeing and repairing of shoes is conducted.

## ARTICLE 8

### FOOD AND FOOD PRODUCTS

Sec. 385. Gathering, sale, etc., of water cress grown near sewer outlets.

Sec. 390. Manufacture, etc., of dangerous food adulterants.

Sec. 391. Penalty.

Sec. 396. Furnishing of samples of food preservatives to Department.

Sec. 397. Penalty.

Sec. 402. Use of paraffine in preparation of rice.

Sec. 407. Conveyance of bread, etc., through public streets.

Sec. 412. Wire screens, etc., in places where food is sold.

Sec. 417. Crabs, shellfish, etc.—Conditions, preparation, etc.

Sec. 422. Vegetable culture—Watering and growing agents.

Sec. 423. Penalty.

Sec. 428. Manufacture, etc., of food and liquor.

(a) Definition.

(b) Standard of purity.

(c) Adulteration.

(d) Misbranding.

(e) Package defined.

(f) Evidence of violation.

(g) Right to samples.

(h) Exemption from prosecution.

Sec. 429. Penalty.

Sec. 434. Receipt and delivery of bread, etc., at bakeries, stores, etc.

Sec. 435. Character of receptacles.

Sec. 440. Handling, care, sale, etc., of foodstuffs.

(a) Inspection before issue of certificate.

(b) Term and revocation of certificate.

(c) Prohibitions.

(d) Sanitation of premises.

(e) Toilets, lavatories, etc., to be provided.

(f) Cuspidors to be provided.

(g) Authority to make rules, etc.

Sec. 441. Penalty.

Sec. 446. Sale of bread for other than human consumption.

Sec. 451. Public eating places.

(a) Definitions.

(b) Applications for permits, etc.

Sec. 452. License fees.

(a) Revocation of permits.

(b) Inspection and inspectors.

- Sec. 453. Diseased employees.
- Sec. 454. Regulations.
- Sec. 455. Penalty.
- Sec. 460. Establishments serving alcoholic beverages and food and furnishing entertainment defined.
- Sec. 461. Permits.
- Sec. 462. Application—Investigation, etc.
- Sec. 463. Application, existing establishments.
- Sec. 464. Grounds for permit revocations—Procedure.
- Sec. 465. Discretion of officers, etc.
- Sec. 466. Other laws, rules and regulations.

**SEC. 385. Gathering, Sale, Etc., of Water Cress Grown Near Sewer Outlets.** No person shall gather, or sell, or offer for sale, or keep for sale or give, or distribute, or otherwise dispose of any water cress, or any other edible herb or vegetable which has been, or is, or may be, growing within one thousand (1,000) feet of any sewer outlet, or any cesspool or any other place where stagnant water, or seepage, or other drainage, or any offensive matter, or any matter dangerous to health has, or may be accumulated.

**SEC. 390. Manufacture, Etc., of Dangerous Food Adulterants.** No person, firm or corporation shall manufacture, sell, expose for sale, give away, distribute or deliver or have in their possession, with intent to sell, expose for sale, give away, distribute or deliver, or cause to sell, expose for sale, give away, distribute or deliver any baneful or injurious substance intended to be used in the preservation of any article of food or drink for human consumption.

**SEC. 391. Penalty.** Any person, company or corporation violating any of the provisions of Section 390 of this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding One Hundred (\$100.00) Dollars, nor less than Twenty-Five (\$25.00) Dollars or by imprisonment in the County Jail for a term not exceeding one hundred (100) days, nor less than thirty (30) days, or by both such fine and imprisonment.

**SEC. 396. Furnishing of Samples of Food Preservatives to Department.** Every person, firm or corporation who shall manufacture, sell, expose for sale, give away, distribute, deliver or have in their possession with intent to sell or expose for sale, give away, distribute or deliver any mixture, compound or other substance intended to be used in the preservation of any article of food or drink for human consumption is hereby required to furnish to the Department of Public Health on its demand a sample of said mixture, compound or other substance intended to be used in the preservation of any article of food or drink for human consumption.

**SEC. 397. Penalty.** Any person, company or corporation violating any of the provisions of Section 396 of this Article shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined a sum not exceeding One Hundred (\$100.00) Dollars nor less than Twenty-Five (\$25.00) Dollars, or by imprisonment in the County Jail for a term not exceeding one hundred (100) days nor less than thirty (30) days, or by both such fine and imprisonment.

**SEC. 402. Use of Paraffine in Preparation of Rice.** It shall be unlawful for any person, firm or corporation to use, or cause to be used, any oil, paraffine or other similar substance in the process of cleaning or preparing rice for market.

**SEC. 407. Conveyance of Bread, Etc., Through Public Streets.** It shall be unlawful for any person, company or corporation to carry, transport or convey, or to cause to be carried, transported or conveyed through the public streets in open baskets or exposed containers, on vehicles or otherwise, any bread, cakes or pastry intended for human consumption.

**SEC. 412. Wire Screens, Etc., in Places Where Food is Sold.** It shall be unlawful for any person, firm, association or corporation, engaged in maintaining, conducting, carrying on or managing a restaurant place, kitchen, meat market, fruit store, vegetable store, delicatessen store, bakery store, street vendor's store, or any other place in which or where food is prepared, sold or disposed of for human consumption, to maintain, conduct, carry on or manage said place or store, except in the manner provided for in this section.

It shall be unlawful for any person, firm, association or corporation to maintain, conduct, carry on or manage a restaurant place or kitchen where foodstuffs are cooked, prepared, sold or disposed of for human consumption, unless the doors, windows, apertures or other openings to the premises or place where said restaurant or kitchen is conducted, maintained, carried on or managed are effectively enclosed with finely woven wire mesh screens.

It shall be unlawful for any person, firm, association or corporation, between the hours of 9 o'clock A.M. and 6 o'clock P.M., to maintain, conduct, carry on or manage a meat market, fruit store, vegetable store, poultry store, delicatessen store or bakery store where food is offered for sale or disposed of for human consumption, unless all doors, windows, apertures and other openings to the premises or place where the business above mentioned is conducted, carried on, maintained or managed are tightly enclosed with finely woven wire mesh screens; and, furthermore, unless the food which is offered for sale or disposed of is kept within the doors of the store or place where said business is maintained, conducted, carried on or managed.

Provided, however, that this section shall not apply to those who sell or offer for sale fruit solely in original, covered or unbroken packages.

It shall be unlawful for any person, firm, association or corporation to maintain, conduct, carry on or manage a street stand, whether stationary or movable, where is exposed for sale any food, candy or other edibles for human consumption, whether consumed at said stand or elsewhere, unless the said stand is furnished with tight glass cases, so as to protect said food, candy or other edibles from exposure to dirt, dust, flies or other insects.

Provided, that this section shall not apply to fruit or vegetables exposed for sale in street stands, stationary or movable.

It shall be unlawful for any person, firm, association or corporation to maintain, conduct, carry on or manage a street stand, whether stationary or movable, where is exposed for sale any fruit or vegetables, whether consumed at the said stand or elsewhere, unless the said stand is furnished, so as to protect said fruit and vegetables, with tight glass cases or finely woven wire mesh screens, mosquito netting, or other dirt, dust and fly proof covering, so placed over and about said fruit or vegetables as not to touch the same at any point.

Nothing in this section contained shall require those selling or offering for sale bananas, pineapples, oranges, limes, lemons, or other citrus fruits, or fruits or vegetables whose rind or skin must be removed before eating, to enclose said fruits or vegetables with any covering or to keep the same within the doors of the store or place where the same may be sold or offered for sale.

**SEC. 417. Crabs, Shellfish, Etc.—Conditions, Preparation, Etc.** It shall be unlawful to send, bring or cause to be sent or brought into the City and County of San Francisco any live crabs, crawfish or other shellfish unless the same be in good healthy condition.

It shall be unlawful to prepare for food for human consumption any crabs, crawfish or other shellfish which are not at the time of preparation alive or in good wholesome condition, or to sell, expose or offer for sale or have possession of the same.

It shall be unlawful to send, bring or cause to be brought into the City and County of San Francisco any cooked crabs, crawfish or other shellfish, unless the same shall have been cooked for a period of not less than forty (40) minutes in boiling water at the time of preparation, and properly packed in ice while in transit to this city.

**SEC. 422. Vegetable Culture—Watering and Growing Agents.** It shall be unlawful for any person, firm or corporation to use human discharges or excrement, or any water containing any human discharges or excrement, or the waters of any well, spring, pond or creek, which receives the discharges of any sewer or drain, or which by any means whatever has become polluted with sewage discharges, for the purpose of irrigating or sprinkling vegetables used for human consumption.

It shall be unlawful for any person, firm or corporation to bring into the City and County of San Francisco, or to produce, sell, offer for sale or have in his or their possession for sale for human consumption in the City and County of San Francisco, without first obtaining a license from the Department of Public Health, to produce, sell or offer for sale, vegetables for human consumption; and further, they shall also be required to have a certificate signed by the Director of Public Health that said vegetables are produced in a manner that does not violate any of

the provisions of this section, and that the same are being handled and transported in wagons and containers satisfactory to the Department of Public Health, and said wagons and containers shall bear the legend "Inspected by the Department of Public Health, San Francisco, California," before a license for their operation is issued.

**SEC. 423. Penalty.** Any person, firm or corporation who shall violate any of the provisions of Section 422 of this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-Five (\$25.00) Dollars and not more than Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail not exceeding six (6) months, or by both such fine and imprisonment.

**SEC. 428. Manufacture, Etc., of Food and Liquor.** The manufacture, production, preparation, compounding, packing, selling, offering for sale or keeping for sale within the City and County of San Francisco, or the introduction into this city from any other county, state, territory or the District of Columbia, or from any foreign country, of any article of food or liquor which is adulterated, mislabeled or misbranded within the meaning of this section, is hereby prohibited. Any person, firm, company or corporation who shall import or receive from any other county, state or territory, or the District of Columbia, or from any foreign country, or who having so received shall deliver for pay or otherwise, or offer to deliver to any other person, any article of food or liquor adulterated, mislabeled or misbranded within the meaning of this section, or any person who shall manufacture or produce, prepare or compound, or pack or sell, or offer for sale, or keep for sale in the City and County of San Francisco, any such adulterated, mislabeled or misbranded food, or liquor, shall be guilty of a misdemeanor; provided, that no article of food shall be deemed adulterated, mislabeled or misbranded within the provisions of this section, when prepared for export beyond the jurisdiction of the United States and prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if such food shall be in fact sold, or kept or offered for sale for domestic uses and consumption, then this proviso shall not exempt said article from the operation of any provision of this section.

(a) **Definition.** The term food as used in this section shall include all articles used for food, drink, liquor, confectionery or condiment by man or other animals, whether simple, mixed or compound.

(b) **Standard of Purity.** The standard of purity of food and liquor shall be that proclaimed by the Secretary of the United States Department of Agriculture, where standards are not fixed by ordinance of the City and County of San Francisco.

(c) **Adulteration.** Food shall be deemed adulterated within the meaning of this act in any of the following cases:

(1) If any substance has been mixed or packed, or mixed and packed with the food so as to reduce or lower or injuriously affect its quality, purity, strength or food value;

(2) If any substance has been substituted wholly or in part for the article of food;

(3) If any essential or any valuable constituent or ingredient of the article of food has been wholly or in part abstracted;

(4) If the package containing it or its label shall bear in any manner any statement, design or device whereby damage or inferiority is concealed;

(5) If it contain any added poisonous or other added deleterious ingredient;

(6) If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal or vegetable unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter; provided that an article of liquor shall not be deemed adulterated, mislabeled or misbranded if it be blended or mixed with like substance so as not to injuriously lower or injuriously reduce or injuriously affect its quality, purity or strength;

(7) In the case of confectionery, if it contains terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug;

(8) In the case of vinegar, if it be artificially colored;



(9) If it does not conform to the standard of purity therefor as proclaimed by the Secretary of the United States Department of Agriculture, when not fixed by ordinance of the City and County of San Francisco.

(d) **Misbranding.** The term "misbranded" as used herein shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the county, city and county, city, town, state, territory, District of Columbia or foreign country in which it is manufactured or produced.

Food and liquor shall be deemed mislabeled or misbranded within the meaning of this section in any of the following cases:

(1) If it be an imitation of or offered for sale under the distinctive name of another article of food;

(2) If it be labeled or branded or colored so as to deceive or mislead, or tend to deceive or mislead the purchaser, or if it be falsely labeled in any respect, or if it purport to be a foreign product tending to mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package;

(3) If in package form, and the contents are stated in terms of weight measure, they are not plainly and correctly stated on the outside of the package;

(4) If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substance contained therein, which statement, design or device shall be false or misleading in any particular;

(5) When any package bears the name of the manufacturer, jobber or seller, or the grade or class of the product, it must bear the name of the real manufacturer, jobber or seller, and the true grade or class of the product, the same to be expressed in clear and distinct English words in legible type; provided that an article of food shall not be deemed misbranded if it be a well-known product of a nature, quality and appearance and so exposed to public inspection as not to deceive or mislead nor tend to deceive or mislead a purchaser, and not misbranded and not of the character included within the definitions, first to fourth of this subsection;

(6) If, having no label, it is an imitation or adulteration, or is sold or offered for sale under the name, designation, description or representation which is false or misleading in any particular whatever; and in case of eggs and poultry, if they have been kept or packed in cold storage, or otherwise preserved, they must be so indicated by written or printed label or placard plainly designating such fact when offered or exposed for sale.

(e) **Package Defined.** The term "Package" as used in this section shall be construed to include any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel, or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer for enclosing any article of food.

(f) **Evidence of Violation.** The possession of any adulterated, mislabeled, or misbranded article of food or liquor by any manufacturer, producer, jobber, packer or dealer in food, or broker, commission merchant, agent, employee or servant of any such manufacturer, producer, jobber, packer or dealer, shall be prima facie evidence of the violation of this section.

(g) **Right to Samples.** The Department of Public Health and all its officers, agents and employees shall have the right at any time to obtain by purchase a sample of food from any person, persons or concern selling or exposing for sale or exchanging in the City and County of San Francisco, such sample to be taken and sealed in full view and in the presence of the person from whom said sample is taken, and shall then and there furnish to the person from whom such sample is taken approximately one-half ( $\frac{1}{2}$ ) such sample sealed, and shall deliver to the said Department of Public Health immediately the sample so taken properly sealed.

(h) **Exemption from Prosecution.** No dealer shall be prosecuted under the provisions of this section when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States from whom he purchased such article to the effect that the same is not adulterated, mislabeled or misbranded within the meaning of this section, designating it. Said guaranty to afford protection, must contain the name and address of the party or parties making

the sales of such article to said dealer, and an itemized statement showing the articles purchased; or a general guaranty may be filed with the Secretary of the United States Department of Agriculture by the manufacturer, wholesaler, jobber or other party in the United States and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty, with the words, "Guaranteed under the food and drugs act, June 30, 1906". In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides within this state, and it appears from the report of the City Chemist that such article or articles were adulterated, mislabeled or misbranded within the meaning of this section, or the National Pure Food Act, approved June 30th, 1906, the District Attorney must forthwith notify the Attorney General of the United States of such violation.

**SEC. 429. Penalty.** Any person, firm, company or corporation violating any of the provisions of Section 428 of this Article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-Five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars, or shall be imprisoned in the County Jail for a term not exceeding six (6) months, or by both such fine and imprisonment. Food found to be adulterated, mislabeled or misbranded within the meaning of Section 428 may be seized and destroyed.

**SEC. 434. Receipt and Delivery of Bread, Etc., at Bakeries, Stores, Etc.** It shall be unlawful for any person, firm or corporation to conduct and maintain, or carry on, or cause to be conducted, maintained or carried on, any bakery, store, shop or stand where there is to be received or delivered bread or other bakery products, unless the said bakery, store, shop or stand be provided with proper receptacles for bread, or other bakery products, as in Section 435 of this Article provided.

Every bakery, store, shop or stand where bread or other bakery products of any kind are received or delivered shall be provided with a wooden receptacle for the reception and protection of bread or other bakery products, and into which all bread or other bakery products shall be placed when delivered as herein provided.

**SEC. 435. Character of Receptacles.** (a) The said receptacle for the reception of bread or other bakery products as aforesaid, shall be constructed of clear pine board, dressed on both sides, and shall have not less than two (2) coats of paint on the outside. The outside must present a smooth surface, with no bottom or side mouldings thereon. The receptacle shall be furnished with four (4) bent iron legs, each two (2) inches in height, fastened to two (2) cleats which shall extend across the bottom of the receptacle, one (1) inch from the ends of the receptacle, and the ends of said cleats shall extend to within one (1) inch from the side thereof. The inside corners shall be filled and reinforced with right angle pine uprights with smooth surfaces to exclude dust accumulating in the corners of receptacle.

(b) There shall be no aperture, nor openings in said receptacle, and the top thereof shall be placed in a position slanting toward the front and shall extend one (1) inch over the sides and front of said receptacle, and shall be used as a cover therefor, and shall be attached thereto with two (2) hinges at the top and back, and be furnished with appliances for locking the cover on receptacle at the front.

(c) The minimum size of such receptacle shall be twenty (20) inches in length, fifteen (15) inches in width, and eighteen (18) inches in height, exclusive of legs, and of whatever size said receptacle shall be built, it shall, in the main adhere to the proportions in the minimum size as hereinbefore set forth.

Such a receptacle as aforesaid shall be placed and kept in a convenient place for the reception and delivering of bread or other bakery products outside any bakery, store, shop or stand as aforesaid at any time, and at all times, when the said bakery, store, shop or stand is closed between the hours of six (6) o'clock in the afternoon of any day and eight (8) o'clock in the forenoon of the following day, and the said receptacle shall be taken into and kept inside said bakery, store, shop or stand at and during all times when bread or other bakery products may be delivered to and into said bakery, store, shop or stand.

**SEC. 440. Handling, Care, Sale, Etc., of Foodstuffs.** It shall be unlawful for any person, firm, corporation or their servants or employees, to maintain or operate within any building, room, apartment, dwelling, basement, or cellar, a bakery, confectionery, cannery, packing house, candy factory, ice cream factory, restaurant, hotel, coffee and chop house, grocery, meat market, sausage factory, delicatessen store, or other place in which food is prepared for sale, produced, manufactured,

packed, stored, or otherwise disposed of, or to vend or peddle from any wagon or other vehicle, or from any basket, hand steamer, street stand any food product whether simple or compound, or a mixture, which is sold, or otherwise disposed of for human consumption, within the City and County of San Francisco, without having first obtained a certificate, issued and signed by the Director of Public Health of said city and county, that first, the premises are in a sanitary condition, and that all proper arrangements for carrying on the business without injury to the public health have been complied with and, second, that the provisions of all ordinances, or regulations made in accordance therewith for the conduct of such establishments have been complied with. Said certificate when issued shall be kept displayed in a prominent place on the premises of the establishment, stand, vehicle, wagon or peddler for which or whom it is issued and is not transferable without the consent of the Department of Public Health.

For the purpose of this section the term "Food" shall include all articles used for food, drink, confectionery or condiment, whether simple or compound and all substances and ingredients used in the preparation thereof.

(a) **Inspection Before Issue of Certificate.** It shall be the duty of the Department of Public Health upon application from any person, firm or corporation desiring to open, conduct or continue any place of business connected with the manufacture, handling, vending or peddling or sale of foodstuffs, within the limits of the City and County of San Francisco before issuing the certificate specified in this section, to cause the premises on which it is proposed to carry on such business or in which said business is being carried on, to be inspected with a view of ascertaining whether said premises are in a proper sanitary and rat proof condition for the conduct of such business, also whether the provisions of all ordinances or regulations made in accordance with provisions thereof relating thereto have been complied with.

(b) **Term and Revocation of Certificate.** The certificate provided for in this section shall be valid for one (1) year from date of issue. After said period of one (1) year has elapsed a new certificate shall be applied for and issued in the same manner and under the same conditions as the original certificate.

A certificate may at any time be revoked for cause after a hearing by the Department of Public Health.

(c) **Prohibitions.** (1) No person, firm or corporation engaged in the manufacture, handling or sale of foodstuffs shall require, permit or allow any person suffering from any communicable disease to work, lodge, sleep or remain within or upon the premises.

(2) It shall be unlawful for any person, firm or corporation to allow any dog or dogs, or cat or cats, to enter any place of business designated in this section.

(3) It shall be unlawful for any person, firm or corporation to display on the street, or in the open air, food products liable to be injured, infected or polluted, without adequate protection from dirt, flies, animals or insects.

(4) The carrying on of any occupation in the place or room set apart for the preparation, storage, or sale of foodstuffs, whether cooked or raw or any allied operations that will generate or cause to arise a dust, smoke or offensive odor, is prohibited.

(5) It shall be unlawful for any person, firm or corporation to use any stable or other place where animals are kept as a place of storage for fruits, vegetables, meats, milk or any other foodstuffs.

(6) The plucking of chickens and other fowl, and the skinning or cleaning of animals shall be carried on in a separate room, and all dust, smoke or offensive odors arising therefrom must be disposed of by air shafts, fans, forced air, or such other means as may be approved by the Department of Public Health.

(7) No person shall be allowed to nor shall he reside or sleep in any room of a bake shop, public dining room, hotel, restaurant, kitchen, confectionery, or other place where food or foodstuffs are prepared, produced, manufactured, served or sold.

(8) It shall be the duty of every occupant, whether owner or lessee, of any bakery, candy factory, delicatessen, restaurant or other place where foodstuffs are manufactured, prepared, stored, or served to provide full protection for his cooked food and other wares from dust, dirt, flies and vermin by the use of suitable glass cases, wire screens or other methods approved by the Department of Public Health, and shall cause the abatement and destruction of vermin, and flies wherever found.

(d) **Sanitation of Premises.** The floors, sidewalks, ceilings, furniture, receptacles, utensils, implements and machinery of every establishment or place where food is manufactured, packed, stored, sold or distributed shall at all times be kept in a

healthful and in a sanitary condition, and for the purposes of this section, unclean, unhealthful and insanitary conditions shall be deemed to exist if food in the process of manufacture, preparation, packing, storing, sale or distribution is not securely protected from dust, dirt, rats, flies and other vermin, and, so far as may be possible, protected by any reasonable means from all other foreign or injurious contamination; and all refuse, dirt and waste products subject to putrefaction and fermentation incident to the manufacture, preparation, packing, storing, selling and distribution of food, shall be removed once in each day; and all trucks, trays, boxes, baskets and buckets and other receptacles, chutes, platforms, racks, tables, shelves, and all knives, saws, cleavers and other implements and machinery used in the moving, handling, cutting, chopping, mixing, canning and all other processes used in the preparation of food shall be thoroughly cleaned at least once in each day, and all operatives, employees, clerks and other persons therein employed or engaged shall maintain their persons and clothing in a clean and sanitary condition at all times and shall not store or keep unclean or soiled clothing or articles for personal use in or about said premises.

(e) **Toilets, Lavatories, Etc., to be Provided.** Every building, room, basement, or cellar occupied or used as a place for the preparation, manufacture, packing, canning, sale, or distribution of foodstuffs shall have adequate toilet facilities in a room separate and apart from the room or rooms where the process of production, manufacture, packing, canning, selling, or distributing is conducted. The floors of such toilets shall be of cement, tile or other non-absorbent material and shall be washed and scoured daily. Such toilets shall comply with the plumbing laws of the City and County of San Francisco regarding their installation and ventilation and shall be maintained in a clean condition. Lavatories and wash rooms shall be adjacent to toilet rooms and shall be supplied with soap, running water and towels for the cleaning of hands and shall be maintained in a clean and sanitary manner. Operatives, employees, clerks, and all persons who handle the foodstuffs, either raw or prepared before beginning work and immediately after visiting a toilet shall wash their hands and arms thoroughly in clean water and dry them on a clean towel not previously used by any other person. The provision of soap and towels for common use is prohibited.

(f) **Cuspidors to be Provided.** Cuspidors for the use of operatives, employees, clerks and other persons, shall be provided, and each cuspidor shall be emptied and washed out daily with an efficient disinfecting solution approved by the Department of Public Health and not less than five (5) ounces of said solution shall be kept in each cuspidor while in use. No operative, employee, clerk or other person shall expectorate or discharge any substance from his nose or mouth, nor shall he commit any other nuisance on the floor or interior sidewalls of any building, room, basement, or cellar where the manufacture, production, packing, storing, preparation or sale of any food or food product is conducted.

(g) **Authority to Make Rules, Etc.** The Department of Public Health shall from time to time adopt such rules and regulations as it may deem necessary and proper to give effect to this section and in accordance therewith.

**SEC. 441. Penalty.** Any person, company or corporation violating any of the provisions of Section 440 of this Article shall be guilty of a misdemeanor, and, upon conviction thereof shall be punished for the first offense by a fine not less than Ten (\$10.00) Dollars, for the second offense by a fine not less than Twenty-Five (\$25.00) Dollars, and thereafter by a fine not to exceed One Hundred (\$100.00) Dollars, or by imprisonment for one hundred (100) days in the County Jail, or both.

**SEC. 446. Sale of Bread for Other Than Human Consumption.** It shall be unlawful for any person, firm or corporation operating any bakery or place where bread for human consumption is baked for sale to the public, or for any person, firm or corporation who sells or exposes such bread for sale, to knowingly sell or otherwise dispose of any bread for other than human consumption which was wholesome and suitable for such use at the time it was baked and of the standard weight as now established or as may be hereafter established by ordinance of the City and County of San Francisco, until after the expiration of a period of five (5) days from the time such bread was baked.

No bread baked for human consumption which was suitable for such use at the time it was baked and of the standard weight as established by ordinance shall be sold for other than human consumption until such bread has been offered and exposed for sale to the public for human consumption for a period of not less than three (3) days.

Every person, firm or corporation selling or offering for sale any bread for human consumption which at the time of such sale or offering for sale is more than forty-eight (48) hours old, excepting Sundays or Holidays, shall cause such bread to be indicated as more than forty-eight (48) hours old either by written or printed label or placard clearly announcing such fact.

**SEC. 451. Public Eating Places. (a) Definitions.** A public eating place, as defined in this section, shall mean and include every restaurant, lunch room, tea room, soda fountain, buffet, grill room, lunch counter, dining room, dining room of hotel, coffee shop, club, and every other place where food is sold to be consumed on the premises, and all kitchens, commissaries and other rooms appurtenant thereto or connected therewith.

The term "owner" or "owners" as used herein, shall mean those persons, partnerships, or corporations who are financially interested in the operation of a public eating place.

An "operator" as used herein, shall mean any person engaged in the dispensing of or in assisting in the preparation of food, or a person otherwise employed in a public eating place.

"Director", as used herein, shall mean the "Director of Public Health of the City and County of San Francisco", and "inspectors" shall mean the "Inspectors of the Department of Public Health", administered by said Director.

The Director shall be responsible for the administration and enforcement of this section, and rules and regulations to carry out the intent of this section and Sections 452 to 454, inclusive, of this Article, shall be prescribed by said Director, after a public hearing thereon; such rules and regulations shall be issued in pamphlet form and shall be changed not more than once a year, except in cases of emergency. All such public eating places shall be operated, conducted and maintained in accordance therewith.

(b) **Applications for Permits, Etc.** Any person, partnership or corporation not operating a public eating place on the second day of December, 1932, and who at any time thereafter intends to open and operate a public eating place in the City and County of San Francisco, shall before opening or operating said eating place, make an application to so do in the manner and upon a form provided by said Director, giving the information and particulars required by said Director, as hereinabove set forth.

If the applicant for any permit under this section be a corporation, the application shall contain the names of its principal officers and such other particulars as the Director may require, and the application shall include all other information and things required of any other applicant.

Upon the filing of any application for a permit under this section the Director shall, through the Inspector of the Department of Public Health, make an investigation and examination of the premises to be covered by the requested permit; and if the investigation and examination so made, shall show that the applicant has complied with all laws, rules and regulations, applicable to the operation of a public eating place, and the sanitary laws and regulations applicable thereto, the said Director shall within ten (10) days after the completion of said investigation and examination grant a permit for the operation of said public eating place.

If it be determined from said investigation and examination of the premises aforesaid, that the applicant has not complied with any or all of the laws, rules and regulations pertaining thereto, and particularly the health and/or sanitary laws and regulations of the City and County of San Francisco, he shall be allowed a reasonable time within which to so comply therewith and his refusal or neglect to so comply shall be sufficient cause for denying the application.

Any denial of any such application shall be subject to an appeal to the Board of Permit Appeals.

Said permit and the license, hereinafter provided for, shall at all times be prominently displayed in said place. It shall be unlawful for any such public eating place to be conducted, operated or maintained without first having obtained a permit and license so to do, and each permit and license shall be annually renewed one (1) year from the date of such issuance.

**SEC. 452. License Fees.** Every applicant for a permit to conduct, operate or maintain a public eating place shall pay an annual fee of Eighteen (\$18.00) Dollars therefor. All fees collected pursuant to the terms of this section shall be applied in defraying the costs of the inspections provided for in Sections 451 and 452 of this Article.

Upon sale or transfer of such establishment, the permit thereof shall be null and void until an application for transfer thereof shall have been recommended by said Director, and a fee of Twelve Dollars and Fifty Cents (\$12.50) shall be payable for each such transfer, which transfer shall be ordered only after examination and inspection of said premises. Said examination and inspection shall be made, and said recommendation by the Director shall be rendered, within ten (10) days from the date of application of such transfer.

(a) **Revocation of Permits.** Any permit issued pursuant to the provisions of Sections 451 to 455, inclusive, of this Article, may be revoked by said Director for cause, after a hearing, and said permit may thereafter be re-issued in the discretion of said Director upon reasonable conditions and the payment of a fee of Twelve Dollars and Fifty Cents (\$12.50) therefor.

(b) **Inspection and Inspectors.** The Director shall appoint such inspectors for the purpose of making such investigations and examinations as may be necessary and warranted by the collection of funds under Sections 451 to 455, inclusive, of this Article. Such inspectors shall be under the control of said Director, and said Director and inspectors shall have free access to all such public eating places at all times for the purpose of inspection and examination of such places and the foods served therein. There shall be a minimum of one (1) inspector to every two hundred and fifty (250) public eating places, and such places shall be so inspected at least once in each month and records thereof shall be filed with said Director, who shall cause them to be kept in such manner in his office as to be readily accessible to the public.

**SEC. 453. Diseased Employees.** No employer shall require, permit or suffer any person to work, nor shall any person work, in a building, room, basement, cellar, place or vehicle, occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution or transportation of food, who is afflicted or affected with or who is a carrier of any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis, consumption, bubonic plague, Asiatic cholera, leprosy, trachoma, typhoid fever, epidemic dysentery, measles, mumps, German measles, whooping cough, chicken pox, or any other infectious or contagious disease.

**SEC. 454. Regulations.** The rules and regulations to be issued by said Director, shall, among other matters, provide for the following:

(a) Suitable ducts in said kitchens and elimination of obnoxious and disagreeable odors from said public eating places;

(b) Suitable hoods for ranges;

(c) Proper ventilation for kitchens and dining rooms;

(d) Basements and storerooms to be dry, clean and sanitary;

(e) Regulation of refrigeration and storage of foodstuffs;

(f) Installation and maintenance of proper sanitary plumbing;

(g) Handling, storage and dispensing of milk;

(h) Receptacles for soiled linen, use of clean linens and laundering thereof;

(i) Methods and manner of dishwashing;

(j) Collection and disposition of garbage and proper receptacles and containers therefor;

(k) Adequate toilet facilities and the location of water closets, dressing rooms, lockers and wash basins;

(l) Cleanliness of the premises, utensils and towels.

**SEC. 455. Penalty.** Any person, firm, association, company or corporation violating any of the provisions of Sections 451 to 454, inclusive, of this Article, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Ten (\$10.00) Dollars and not in excess of Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a term not exceeding one hundred (100) days, or by both such fine and imprisonment.

**SEC. 460. Establishments Serving Alcoholic Beverages and Food and Furnishing Entertainment Defined.** The establishments referred to in Section 460 to 466, inclusive, of this Article, are hereby defined to be any place, room, or space, upon or within any building or structure, where any alcoholic beverage and food of any kind or character is served, and where a theatrical, operatic, vaudeville or dancing performance, or any combination of such performance, is conducted or permitted upon the floor, a platform, or a stage, upon or within said place, room or space.

**SEC. 461. Permits.** It shall be unlawful for any person, firm, or corporation to conduct or maintain any such establishment in the City and County of San Francisco without first obtaining a permit therefor from the Department of Public Health. No such permit shall be issued by the Department of Public Health until the issuance of the same has been approved by the Department of Electricity, the Bureau of Building Inspection of the Department of Public Works and the Bureau of Fire Prevention and Public Safety.

**SEC. 462. Application—Investigation, Etc.** Application for said permit shall be made to the Department of Public Health, which said application shall state the proposed location of said establishment, the character of the building in which the same is proposed to be conducted or maintained, and a detailed plan of the premises contemplated to be occupied by the applicant, as well as the number of patrons to be accommodated at any time in said establishment. Upon receipt of said application the Department of Public Health shall forthwith send copies thereof to the Department of Electricity, the Bureau of Building Inspection of the Department of Public Works and the Bureau of Fire Prevention and Public Safety. It shall be the duty of each of the said bureaus and departments, upon receipt of said application, to investigate the condition of the premises in which said establishment is proposed to be maintained in so far as said conditions come under the jurisdiction of the said respective bureaus and departments, and, upon the completion of said investigation, to approve or disapprove the granting of said permit. In the event of the disapproval of the application by any of said bureaus or departments, said application for said permit shall be denied.

**SEC. 463. Application, Existing Establishments.** Any person, firm or corporation conducting or maintaining such establishment in the City and County of San Francisco on the 5th day of November, 1936, shall make immediate application to the Department of Public Health for a permit to continue the maintenance and conduct of said establishment.

**SEC. 464. Grounds for Permit Revocations—Procedure.** Any violation of any existing laws of the City and County of San Francisco shall constitute and shall be so construed as to be sufficient reason for the revocation of any permit. Any permit issued pursuant to the provisions of Sections 460 to 466, inclusive, of this Article, may be revoked by the Director of Public Health for cause, upon application of any one or more of the Departments or Bureaus whose approval was first necessary for the issuance of the permit, after due hearing shall be first had therein; and reasonable notice shall be given to the person, firm or corporation charged with the said violation, and of the time, place and date set for the hearing on the revocation of said permit.

**SEC. 465. Discretion of Officers, Etc.** Whenever any discretion as to the operation, construction or equipment of any such establishment, by Sections 460 to 466, inclusive, of this Article, given to any officer, board, bureau, department or commission, the said officer, board, bureau, department or commission shall exercise said discretion only in so far as the same is necessary for the safety of the patrons and employees and other persons frequenting said establishment.

**SEC. 466. Other Laws, Rules and Regulations.** All existing laws of the City and County of San Francisco, and all rules and regulations of the Department of Public Health, relative to the keeping, preparation and serving of food and alcoholic beverages in restaurants or other places open to the public shall apply to such establishments; and no such establishment shall permit dancing therein without a permit from the Police Department of the City and County of San Francisco.



## ARTICLE 9

## MILK, CREAM AND MILK FOOD PRODUCTS

Sec. 480. Milk, cream and milk food products.

Sec. 481. Definitions and requirements:

- (a) Pasteurizing plant.
- (b) Dairy farm.
- (c) Score card.
- (d) Market milk or cream.
- (e) Cream.
- (f) Ice cream.
- (g) Fruit ice cream.
- (h) Nut ice cream.
- (i) Ice milk.
- (j) Goat's milk.
- (k) Buttermilk.
- (l) Unlawful to sell skimmed milk not properly labeled.
- (m) Adulterated, impure, unhealthful and unwholesome milk.
- (n) Milk for human consumption in the City and County of San Francisco.
- (o) Certified milk.
- (p) Guaranteed pasteurized milk.
- (q) Grade "A" pasteurized milk.
- (r) Manufacturing milk.
- (s) Method of pasteurization.
- (t) Milk food products.
- (u) Cottage cheese.

Sec. 482. Labeling of containers, sterilization of utensils, etc.

Sec. 483. Sale of impure milk, etc.

Sec. 484. Persons suffering from communicable diseases.

Sec. 485. Methods of serving milk.

Sec. 486. Permits required by vendors of milk.

- (a) Applications for permits.
- (b) Assignment of permits.

Sec. 487. Procedure for renewal of permits revoked for cause.

Sec. 488. Statements of permittees.

- (a) Official number of permits.
- (b) Renewal of permits.

Sec. 489. Right of entry and inspection.

Sec. 490. Right to take samples.

Sec. 491. Milk coming from outside the city and county to be exposed for inspection.

Sec. 492. Milk coming from outside the city and county to be plainly marked.

Sec. 493. Milk to be tightly covered.

Sec. 494. Sale of milk, cream and buttermilk in quantities of one quart or less.

Sec. 495. Milk, cream and other milk food products bottles to be capped and marked.

Sec. 496. Names of brands on bottles and caps or covers must not differ.

Sec. 497. Transfer of milk on street.

Sec. 498. Application of state law, etc.

Sec. 499. Farm tanks and tank truck pickup authorized.

Sec. 499.1. Regulations of Director.

Sec. 500. Penalty.

Sec. 504. Fees for inspection of milk.

Sec. 509. Milk and cream inspection fees—Pasteurizing plants

Sec. 510. Gallonage fee.

Sec. 511. Time of payment.

Sec. 512. Collection of fee.



**SEC. 480. Milk, Cream and Milk Food Products.** The Director of Public Health of the City and County of San Francisco is hereby authorized to regulate and control the production of and the traffic in milk, cream, and milk food products, in said city and county, and of all milk, cream and milk food products produced in other counties for consumption in the City and County of San Francisco; to provide for the inspection of milk, cream and milk food products in said city and county and at such other places where milk is produced and handled for distribution or sale in said city and county, and to enforce the provisions of this Article.

**SEC. 481. Definitions and Requirements.** Whenever in this Article the following words, terms or names are used, they shall have the meaning with the requirements as follows:

(a) **Pasteurizing Plant.** Any plant or establishment where raw milk or cream is received for pasteurization, cooling or processing, or in which raw milk or cream is pasteurized, cooled or processed, or from which such pasteurized milk or cream is delivered for distribution to the retail trade, is deemed to be a pasteurizing plant within the meaning of this Article;

(b) **Dairy Farm.** Any place or premises upon which milk is produced for sale or distribution is a dairy farm within the meaning of this Article. The word "person" as used in this Article shall be construed to mean both the singular and plural, as the case demands, and shall include individuals, corporations, companies, societies and associations. When construing and enforcing the provisions of this Article, the act, omission or failure of any employee, officer, agent or other person acting for or employed by any individual, corporation, company, society or association, within the scope of his employment or office, shall in every case also be deemed to be an act, omission or failure of such individual, corporation, company, society or association, as well as that of the person. The provisions of this Article shall be construed to apply to hotel keepers, restaurant keepers and boarding house keepers and any person who shall serve meals to the public;

(c) **Score Card.** The official score card for pasteurizing plants and dairy farms shall be the score card adopted by the Director of Public Health and the minimum standard of rating shall be in accordance with said score card. Provided that the minimum standard of rating shall not be less than that fixed by the Director of the Department of Agriculture of the State of California;

(d) **Market Milk or Cream.** Wherever the terms market milk or market cream are used in this Article they shall be construed to mean milk or cream in their natural fluid state, as prepared for human consumption, without being converted into any other form or product;

Milk is the fresh, clean, lacteal secretion obtained from the complete milking of one or more healthy cows properly fed and kept, excluding that obtained within eighteen (18) days before and eight (8) days after parturition, free from foreign substances detrimental to its quality or to the quality of the products prepared therefrom, and contains not less than three and four-tenths (3.4%) per cent of milk fat and not less than eight and five-tenths (8.5%) per cent of solids not fat. Nothing stated in this subsection shall be construed as prohibiting the standardization of milk at a uniform fat content by the addition of skimmed milk or cream. In the standardization of Grade A pasteurized milk or cream, the milk, skimmed milk or cream used shall be of the same grade and approximate age. In no instance may both skimmed milk and cream be used simultaneously in the standardization of Grade A milk. Milk and cream may be standardized only within a regularly licensed skimming and cooling station or pasteurizing plant under the inspection of the City and County of San Francisco or an inspection service approved by the Director of Public Health of the City and County of San Francisco;

(e) **Cream.** Cream is that portion of milk rich in milk fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force, is fresh and clean, and contains not less than twenty (20%) per cent of milk fat and not more than seven and eight-tenths (7.8%) per cent of milk solids not fat in cream containing twenty (20%) per cent of milk fat and correspondingly less solids for greater percentages of milk fat. Market cream shall be graded and shall conform to all the standards set for market milk of the same grade except that the maximum bacterial count for any grade of market cream shall be not more than three (3) times as great as that for the corresponding grade of market milk. Cream for manufacturing purposes may be repasteurized not exceeding once;

Sour cream is clean Grade A cream which has been fermented by the action of one or more strains of lactic acid bacteria, so that the product contains a distinct acidity, but which otherwise conforms to all the requirements for Grade A cream. This product shall be labeled and sold under the designation "Sour Grade A Pasteurized Cream."

(f) **Ice Cream.** Ice cream is a frozen product and shall be made with pure, sweet milk, cream, skim milk, evaporated or condensed milk, evaporated or condensed skim milk, dry milk, dry skim milk, milk fat, or wholesome sweet butter made from sweet cream, or a combination of any such products, with or without sweetening, clean wholesome eggs or egg products, and with or without the use of harmless flavoring and coloring. Except as hereinafter provided, ice cream shall contain not less than ten (10%) per cent of milk fat, nor more than six-tenths (.6) of one (1%) per cent of pure and harmless edible stabilizer, approved by the Director. Ice cream when sold to the ultimate consumer shall contain no pathogenic organisms and not more than fifty thousand (50,000) bacteria per gram. Ice cream shall contain not less than one and six-tenths (1.6) pounds of total food solids per gallon;

It shall be unlawful for any person, firm or corporation to dispense, sell or use any frozen product other than ice cream as an ingredient of sodas, sundaes and parfaits. It shall be unlawful for any person, firm or corporation to dispense, sell, or use any frozen product other than ice cream or ice milk as an ingredient of milk shakes, malted milks and milk drinks;

(g) **Fruit Ice Cream.** Fruit ice cream is ice cream which contains not less than eight (8%) per cent of milk fat and not less than three (3%) per cent by weight of clean, mature, sound fruit or the juice thereof, with or without the use of harmless flavoring and coloring and containing not more than six-tenths (.6) of one (1%) per cent of pure, harmless, edible vegetable gum or gelatin;

(h) **Nut Ice Cream.** Nut ice cream is ice cream which contains not less than eight (8%) per cent of milk fat and not less than one (1%) per cent by weight of sound, non-rancid nut meats, with or without the use of harmless flavoring and coloring and containing not more than six-tenths (.6) of one (1%) per cent of pure, harmless, edible vegetable gum or gelatin;

When sold by manufacturer, distributor or retailer, ice cream shall not contain pathogenic bacteria in excess of fifty thousand (50,000) per gram;

(i) **Ice Milk.** Ice milk is a frozen product containing less milk fat than ice cream and shall be made with pure, sweet milk, cream, skim milk, evaporated or condensed milk, evaporated or condensed skim milk, dry milk, dry skim milk, milk fat, or wholesome sweet butter made from sweet cream, or any combination of any such products, with or without sweetening, clean, wholesome eggs or egg products, and with or without the use of harmless flavoring and coloring and containing not less than four (4%) percent of milk fat, nor more than six-tenths (.6) of one (1%) per cent of pure and harmless edible stabilizer approved by the Director of Public Health and not less than one and three-tenths (1.3) pounds of total food solids per gallon. When delivered to the ultimate consumer, ice milk shall contain no pathogenic organisms and not more than fifty thousand (50,000) bacteria per gram;

All containers of ice milk shall be conspicuously so labeled, and places where ice milk is sold at retail shall display a conspicuous, legible sign containing the words "Ice milk sold here" in plain, block letters not less than six (6) inches high. No person shall use the name "ice cream," "cream," "creamy," nor any other word or phrase which may be construed to be misleading either in labeling, advertising, or in any other manner, either orally or in writing, in connection with the advertising, sale or distribution of ice milk;

Sherbet is a frozen product containing milk or products of milk, with or without milk fat, and containing less than four (4%) per cent of milk fat and no pathogenic organisms and not more than fifty thousand (50,000) bacteria per gram when delivered to the ultimate consumer. Sherbet shall have an acidity of not less than the amount specified in the rules and regulations promulgated by the Director of Public Health, and shall contain not less than ten (10%) per cent by weight of clean, mature, sound fruit or juice thereof or its equivalent in other form. Milk or milk products used in the manufacture of sherbet shall be pasteurized;

French ice cream, French custard ice cream, cooked ice cream, ice custards, parfaits, and all similar frozen products are varieties of ice cream, which shall contain not less than ten (10%) per cent of milk fat, and not less than five (5) dozen of clean, wholesome egg yolks, or one and five-tenths (1.5) pounds of whole-

some dry egg yolk containing not to exceed seven (7%) per cent of moisture, or three (3) pounds of wholesome, frozen egg yolk containing not to exceed fifty-five (55%) per cent of moisture, or the equivalent of egg yolk in other form, for each ninety (90) pounds of ice cream mix, and which shall otherwise conform to the regulations promulgated by the Director of Public Health;

When delivered to the ultimate consumer, French ice cream, French custard ice cream, cooked ice cream, ice custards, parfaits, and all similar frozen products, shall contain no pathogenic organisms and not more than fifty thousand (50,000) bacteria per gram, official plate count;

Ice cream mix and ice milk mix are unfrozen products used in the manufacture of ice cream or ice milk. They shall comply with all the requirements for ice cream or ice milk, respectively;

Pasteurized cream, when sold for ice cream, ice milk or sherbet manufacture shall be clean, sweet, free from undesirable flavors and odors, and shall contain no pathogenic organisms and not more than fifty thousand (50,000) bacteria per milliliter, official plate count;

The ingredients, except fruits, nuts and flavors, to be used in the manufacture of ice cream or ice milk shall be pasteurized;

(j) **Goat's Milk.** Goat's milk is the unadulterated, fresh, clean, lacteal secretion, free from colostrum, obtained by the complete milking of one (1) or more healthy goats, properly fed and housed, free from tuberculosis and contagious abortion as determined by a veterinarian in the employ of the Department of Public Health or approved by the State Department of Agriculture. The rules and regulations governing the production, distribution, sale, handling and pasteurization of goat's milk shall be the same as those set forth in this Article as governing the production, sale, handling, distribution and processing of cow's milk;

(k) **Buttermilk.** Buttermilk is the product that remains when butter is removed from pasteurized milk or pasteurized cream in the process of churning and to which pasteurized milk or pasteurized cream no preservative or neutralizer has been added;

Cultured buttermilk is pasteurized milk or pasteurized skim milk, or a combination thereof, with or without an admixture of buttermilk, which has been treated with special cultures of lactic acid bacteria, so that the product somewhat resembles buttermilk in appearance, composition and flavor. Cultured buttermilk must be so labeled as to distinguish it from natural buttermilk;

Churned cultured buttermilk is pasteurized milk or partly skimmed pasteurized milk or a combination of pasteurized milk, partly skimmed, pasteurized milk or pasteurized skim milk, which has been treated with special cultures of lactic acid bacteria so that the product resembles buttermilk in appearance, composition and flavor, after which it is churned until butter granules become plainly visible therein. Churned cultured buttermilk must be so labeled;

Buttermilk, cultured buttermilk or churned cultured buttermilk, for sale or delivery to the retail trade must be sold or delivered only in bottles sterilized, filled and capped mechanically in a regularly licensed pasteurizing plant;

(1) **Unlawful to Sell Skimmed Milk Not Properly Labeled.** It shall be unlawful for any person, firm or corporation to sell, exchange or deliver, or to offer for sale, exchange or delivery, or to cause or permit to be sold, exchanged or delivered, or to be offered for sale, exchange or delivery, or to have in possession for sale, exchange or delivery in the City and County of San Francisco any milk from which any part of the cream shall have been removed or any skimmed milk, unless the same be offered for sale and sold as skimmed milk, or unless there shall be attached to the outside of every vessel, can or package from or in which such skimmed milk is sold or held for exchange or delivery, a tag upon which shall be printed in black letters at least one (1) inch in height the word "skim" or the words "skimmed milk";

Skim milk shall contain less than three (3%) per cent of milk fat and not less than eight and eight-tenths (8.8%) per cent of solids not fat. Skim milk other than that used in manufacturing shall be pasteurized and shall come from cows non-reacting to the tuberculin test in accordance with the method set forth in this Article. Said pasteurized skim milk shall be labeled accordingly;

Grade A pasteurized milk or skim milk derived from Grade A pasteurized milk combined with fruit or fruit juices, chocolate, chocolate syrups or other harmless syrups, with or without the addition of harmless coloring material may be used in the manufacture and sale of soft drinks under a trade name. Such products shall be so colored or contain such ingredients as to cause them to distinctly differ from

milk in appearance and other characteristics, and shall contain no pathogenic organisms and not more than fifteen thousand (15,000) bacteria per milliliter when delivered to consumer;

(m) **Adulterated, Impure, Unhealthful and Unwholesome Milk.** The terms adulterated, impure, unhealthful and unwholesome, when applied to milk, as used in this Article, mean:

(1) Milk containing less than three and four-tenths (3.4%) per cent of milk fat and less than eight and five-tenths (8.5%) per cent of solids not fat;

(2) Milk drawn from cows within eighteen (18) days before or eight (8) days after parturition;

(3) Milk drawn from cows fed on unhealthful or unwholesome food;

(4) Milk drawn from cows kept in an unhealthy or insanitary condition, or from cows affected with any form of disease, or from cows which are supplied with impure or unwholesome water;

(5) Milk from which any part of the cream has been removed, except skimmed milk;

(6) Milk which has been diluted with water or with any other fluid, or to which has been added or into which has been introduced any foreign substance whatever, except as permitted by this Article;

(7) Milk drawn from cows that are in a state of filth and uncleanness or by milkers who are themselves in a condition of filth and uncleanness or otherwise physically unfit, the determination of such fact or facts to be made by the Director of Public Health;

(8) Any milk which is shown by analysis to contain any substance of any character not normal constituents of milk, or to have been deprived either wholly or in part of any constituent naturally or normally contained in milk, except as permitted by this Article;

(9) Any milk which has been processed in any insanitary pasteurizing plant, skimming and cooling station, or produced on any insanitary dairy farm or factory of dairy products, or other insanitary place, or which has been handled in an insanitary manner;

(10) Milk or cream from cows which have not passed the tuberculin test.

Milk which is adulterated, impure, unhealthful or unwholesome as defined by this Article, shall not be sold for human consumption except as herein provided;

(n) **Milk for Human Consumption in the City and County of San Francisco.** Market milk for sale and distribution for human consumption in the City and County of San Francisco, shall consist of the following grades of milk: (a) Certified milk, (b) Guaranteed pasteurized milk, (c) Grade A pasteurized milk, and no other milk, shall be sold, offered or exposed for sale, exchanged or delivered for human consumption within the City and County of San Francisco. Provided further, that nothing herein contained shall prevent the delivery and sale of raw guaranteed milk or raw Grade A milk to wholesalers or to pasteurization plants for the purpose of pasteurizing the same;

(o) **Certified Milk.** Certified milk is market milk which conforms to the rules, regulations, methods and standards for the production and distribution of certified milk adopted by the American Association of Medical Milk Commissions and must bear the certification of the Milk Commissions and must bear the certification of the Milk Commission of the San Francisco County Medical Society. Certified milk must be the product of a dairy herd that shall consist solely of cows which have passed the tuberculin test in the manner prescribed by said Milk Commission. It must not contain more than ten thousand (10,000) non-pathogenic bacteria per milliliter of milk, which standard must be attained solely by measures directed towards cleanliness, proper cooling and prompt delivery. Certified milk must contain not less than three and five-tenths (3.5%) per cent of milk fat and a minimum of solids not fat of eight and five-tenths (8.5%) per cent. Certified milk must be handled and delivered in sealed containers and on ice within thirty (30) hours after its production and in the manner directed by said Milk Commission. The dairy farm milk room, milkers and dairy utensils, etc., must all conform to the requirements of the said Milk Commission;

(p) **Guaranteed Pasteurized Milk.** Guaranteed pasteurized milk shall conform to the following requirements as a minimum: the health of the cows shall be determined by physical examination at least once each month by an official representative of an approved milk inspection service and by a tuberculin test. It shall be produced on dairies which score not less than ninety (90%) per cent on the dairy

farm score card adopted by the Department of Agriculture of the State of California. It must be delivered in containers having the pouring lip completely protected from contamination and shall be cooled immediately after being drawn from the cow to fifty (50°) degrees Fahrenheit or less, and so maintained until delivered for pasteurization when it shall contain no pathogenic organisms and not more than ten thousand (10,000) bacteria per milliliter, and not less than three and one-half (3½%) per cent of milk fat. It must be sold to the consumer within thirty (30) hours after production and shall be labeled to indicate the date of sale to the consumer. All persons who come in contact with the raw guaranteed milk must exercise scrupulous cleanliness and must not be in the contagious stage of any communicable disease or be in a condition to disseminate the germs of typhoid fever, tuberculosis, diphtheria or other communicable disease liable to be conveyed by the milk. The absence of such germs in all such persons shall be determined by bacteriological and physical examinations under the direction of the Department of Public Health of the City and County of San Francisco, conducted at the time of employment and every six (6) months thereafter in a manner approved by the Department of Agriculture and the Director of Public Health. When pasteurized it shall contain no pathogenic organisms and not more than three thousand (3,000) bacteria per milliliter at the time of delivery to the consumer;

Guaranteed milk when raw shall be delivered in sterile containers to pasteurizing plants located in the City and County of San Francisco, to be there pasteurized and thereafter distributed in the manner provided by the regulation of the Director of Public Health of the City and County of San Francisco;

(q) **Grade A Pasteurized Milk.** Grade A pasteurized milk shall conform to the following requirements: It shall be the product of healthy cows as determined by physical examination at least once in two (2) months by a veterinarian under the supervision of the Director of Public Health of the City and County of San Francisco and by the tuberculin test by such veterinarian, or by a veterinarian approved by the State Department of Agriculture, and from dairy farms scoring not less than seventy-five (75%) per cent on the score card approved by the Director of Public Health of the City and County of San Francisco. The tuberculin test must be repeated annually if no reacting animals are found in the herd. If reacting animals are found, they must be removed from the herd immediately and the tuberculin test repeated in six (6) months, provided that in the first test the percentage of reactors found is greater than ten (10%) per cent, the tuberculin test must be repeated in ninety (90) days;

All cows are to be fed, watered, housed and milked under conditions approved by the Director of Public Health;

All persons who come in contact with the milk must exercise scrupulous cleanliness and must not harbor the germs of typhoid fever, tuberculosis, diphtheria or other communicable diseases transmissible by milk. Absence of such diseases shall be determined by bacteriologic and physical examination to the satisfaction of the Director of Public Health;

Grade A raw milk from the dairy farm shall be delivered in sterile containers to the pasteurizing plants located in the City and County of San Francisco, and is to be kept at a temperature of fifty (50°) degrees Fahrenheit, or below, until it reaches the pasteurizing plant when it must contain no pathogenic organisms and not more than fifty thousand (50,000) bacteria per milliliter and rapidly cooled after pasteurization to a temperature of fifty (50°) degrees Fahrenheit or below and so maintained to the time of delivery to the ultimate consumer;

Grade A pasteurized milk must contain no pathogenic organisms and not more than fifteen thousand (15,000) bacteria per milliliter at the time of delivery to the ultimate consumer;

(r) **Manufacturing Milk.** All milk and cream other than certified, guaranteed raw for pasteurization, guaranteed pasteurized Grade A raw for pasteurization, Grade A pasteurized, shall be considered manufacturing milk and cream, and may be sold and used in the City and County of San Francisco, only under such regulation as the Director of Public Health may provide, and may be used for the manufacturing of foodstuffs, provided that in the manufacture of said foodstuffs, or immediately prior thereto, said milk and cream is subjected to a temperature of one hundred and forty-five (145°) degrees Fahrenheit for thirty (30) consecutive minutes, and provided further, that for every degree above one hundred and forty-five (145°) degrees Fahrenheit to which said milk and cream is heated, the time during which said temperature must be maintained may be decreased by one (1) minute. The time for maintaining such temperature shall in no case be less than five (5)

minutes, except for milk and cream that is re-pasteurized. Re-pasteurized milk or cream shall not be sold as market milk or cream. Manufacturing milk shall be the produce of dairy cattle successfully passing the tuberculin test;

Milk or cream not suitable for human consumption may be sold for industrial purposes, provided it is heated to a higher temperature than necessary for pasteurization, and delivered in a distinctive container, plainly marked with the words "Not suitable for human consumption" in letters not less than one-quarter ( $\frac{1}{4}$ ) inch in length and one-twelfth ( $\frac{1}{12}$ ) stroke. Such milk or cream must not be transported on a vehicle carrying milk or cream for human consumption. Manufacturing milk or cream used in the production of foodstuffs shall be the produce of dairy cattle non-reacting to the tuberculin test;

(s) **Method of Pasteurization.** Pasteurizing milk consists of the heating of every portion of the milk to not less than one hundred and forty-two ( $142^{\circ}$ ) degrees Fahrenheit and maintaining same at that temperature for thirty (30) minutes, and immediately cooling thereafter to a temperature of fifty ( $50^{\circ}$ ) degrees Fahrenheit. Pasteurization equipment shall be so designed and operated that all portions of the milk contained therein can be heated to and maintained at a temperature of not less than one hundred and forty-two ( $142^{\circ}$ ) degrees Fahrenheit nor more than one hundred and forty-five ( $145^{\circ}$ ) degrees Fahrenheit during the entire holding period. Pasteurizing equipment and other apparatus must be devoid of dead ends or pockets in which milk may stagnate. Nothing in this subsection shall be so construed as to prohibit the pasteurization of cream at a temperature not to exceed one hundred and fifty ( $150^{\circ}$ ) degrees Fahrenheit;

All milk except certified milk intended for human consumption in San Francisco shall be pasteurized in San Francisco in accordance with the methods set forth herein;

All heaters, pasteurizers and coolers in each pasteurizing plant, skimming and cooling station and milk food products plant shall be equipped with a sufficient number of recording thermometer devices approved by the Director of Public Health to accurately record the temperature to which and the length of time the product has been heated for pasteurization or separation, pasteurized and cooled, also the temperatures at which the heaters, pasteurizers and coolers have been sterilized. All records made by such recording thermometer devices shall be delivered to the Director of Public Health or his representatives upon request and shall be preserved at least two (2) months for the inspection of the Director of the State Department of Agriculture and the State Board of Health;

(t) **Milk Food Products.** Any manufactured or processed product in which milk is the basic element;

All milk food products now or hereafter defined in the Agricultural Code of the State of California or by regulation of the Director of Agriculture of the State of California when offered for sale or distribution in the City and County of San Francisco shall be manufactured from milk or cream obtained from non-reacting tuberculin tested animals;

(u) **Cottage Cheese.** It shall be unlawful to sell or expose for sale or deliver any cottage cheese, unless it is labeled conspicuously to designate whether it is creamed or uncreamed, and unless the brand or name and address of the manufacturer or distributor is also shown on the package or displayed where sold in bulk;

In order to be sold as creamed or uncreamed cottage cheese it must meet with the following requirements:

(1) Uncreamed cottage cheese shall be made from milk or skim milk which has been pasteurized with or without harmless coloring matter and sold fresh without molding into forms;

(2) Creamed cottage cheese is cottage cheese to which a sufficient quantity of pure fresh pasteurized sweet cream is added so that the finished product contains not less than four (4%) per cent of pure milk fat;

(3) The factory license number, and the name and address of the manufacturer must appear in block letters not less than one (1) inch high, together with the wording "Creamed Cottage Cheese" or "Uncreamed Cottage Cheese" on a sign prominently displayed wherever sold in bulk. All package cottage cheese shall be labeled to designate whether it is creamed or uncreamed, together with the brand name, or name of the distributor;

(4) Cottage cheese shall be creamed only in a regularly licensed cottage cheese factory, pasteurizing plant or milk products plant.

**SEC. 482. Labeling of Containers, Sterilization of Utensils, Etc.** The class or grade of all milk, cream or milk food products sold, offered or exposed for sale, delivered or exchanged in the City and County of San Francisco, and the name, address and permit number of the producer or distributor, shall, at all times, appear plainly and in a conspicuous place, or be securely attached to every bottle, cap, can or container, in which said milk, cream or milk food products are contained, in capital letters not less than one-eighth ( $\frac{1}{8}$ ) inch high and one-sixteenth ( $\frac{1}{16}$ ) inch wide. Milk, cream or milk food products not fit for human consumption shall be so marked.

**SEC. 483. Sale of Impure Milk, Etc.** It shall be unlawful for any person, firm or corporation, by themselves or by their agents, servants or employees, to bring or cause to be brought within, sell, offer for sale, exchange, deliver, distribute or have in his, its or their possession with intent to sell, expose or offer for sale or exchange or to distribute for human consumption, within the City and County of San Francisco, any impure, adulterated, unhealthful or unwholesome milk, cream or milk food products, except as provided by this Article.

**SEC. 484. Persons Suffering From Communicable Diseases.** No person suffering from a communicable disease, or who is a "contact" or who has been recently exposed to any contagious or infectious disease, shall be permitted to milk cows, handle milk, cream or milk food products or milk utensils in any pasteurizing, skimming, cooling or processing plant or upon any dairy farm, nor shall any milk, cream or milk food products be brought into, sold or offered for sale from any dairy farm, when a contagious or infectious disease exists on said dairy farm, until such time as said premises have been inspected and declared in writing free of contagion by any authorized employee of the Department of Public Health of the City and County of San Francisco.

**SEC. 485. Methods of Serving Milk.** When served in any hotel, boarding house, lunch counter, restaurant, public eating place or other place of public entertainment, market milk shall be served in the original containers, in sizes one-fourth ( $\frac{1}{4}$ ) pints, one-half ( $\frac{1}{2}$ ) pints, pints, one-third ( $\frac{1}{3}$ ) quarts and quarts only, the cap of which shall not be removed except in the presence of the customer or patron; provided, however, that this provision shall not apply to cream so served.

Milk used in the composition of milk drinks shall be Grade A market milk, and after ninety (90) days from the passage of this amendment shall be used directly from the original bottle which shall not be of more than one (1) quart capacity and which bottle shall be kept covered and under fifty (50°) degrees Fahrenheit until empty, or said milk may be dispensed from mechanical devices which shall first have been approved by the Director of Public Health.

Those mechanical devices shall be approved by the Director of Public Health which dispense milk unaltered in composition and quality and which are installed and operated in accordance with the provisions of this Article and the rules and regulations of said Director of Public Health, relating to the sanitation and operation of dairy structures and equipment. Before approving any mechanical devices for dispensing milk or milk products the Director of Public Health shall ascertain that such mechanical devices are fabricated of materials that will not introduce toxic or unwholesome properties to milk or milk products and are so constructed that they can be readily kept in a clean and sanitary condition.

The bottling of all milk, cream, skimmed milk, buttermilk and all milk drinks, except certified milk, is prohibited except in regularly approved and authorized pasteurizing plants.

It shall be unlawful for any person, firm or corporation to sell, exchange, offer or expose for sale or exchange, or have on hand for sale or exchange or serve in any hotel, boarding-house, restaurant, saloon, lunch counter or other place of public entertainment any milk or cream to which any gelatin or other substance, except as provided in the Agricultural Code of the State of California, has been added to increase the consistency of such milk or cream so as to make it appear richer or of better quality; provided, however, that nothing in this Article shall be construed as prohibiting the standardization of milk and cream as provided in this Article.

All public eating places, grocery stores, delicatessens and other retail establishments handling milk, cream and milk food products for human consumption must have, in addition to all other sanitary appurtenances, an ice chest of sufficient capacity to hold the amount of milk, cream and milk food products handled in said premises, and said ice chest must be properly drained in accordance with the plumb-



ing ordinances of the City and County of San Francisco, and must at all times have a capacity of ice or refrigeration which will maintain a temperature under fifty (50°) degrees Fahrenheit within said chest.

**SEC. 486. Permits Required by Vendors of Milk.** No person, firm or corporation by themselves, or through their agents, servants or employees, shall produce, ship or send into, bring into, or offer for sale, or expose for sale, or sell or deliver for distribution, sale, use, or consumption within the City and County of San Francisco, any milk without first having obtained from the Director of Public Health of the City and County of San Francisco a permit so to do. One permit shall be required for each dairy, dairy farm or place of general sale or storage of milk, cream or milk food products, but no permit shall be granted to anyone where raw milk is received at a central skimming or cooling station or plant outside the City and County of San Francisco which handles more than one grade of milk, or where other milk products are made or handled.

No permit to ship or transport raw milk or raw cream into the City and County of San Francisco from any central skimming or cooling station outside the city and county shall be granted unless said milk or cream so cooled and shipped or transported comes from dairy farms or plants scoring at least seventy-five (75%) per cent, and otherwise complying with the provisions of this Article, and unless said skimming or cooling station is constructed and maintained in accordance with plans and specifications approved by the Director of Public Health and said milk or cream is handled as required by this Article, and unless the person owning or operating said skimming or cooling station shall pay the salary and maintenance of a special inspector appointed by the Director of Public Health, who shall supervise the production of market milk on dairy farms supplying said skimming and cooling station or plant, and whose duty it shall be also to inspect and sample all milk received at said skimming and cooling station or plant. Said inspector shall also perform such other duties not inconsistent with the provisions of this section, as shall be assigned to him by the Director of Public Health.

Funds sufficient to defray the salary and maintenance of said inspector shall be deposited monthly with an authorized representative of the City and County of San Francisco.

(a) **Application for Permits.** In order to procure permits required by this section the applicant shall present to said Director of Public Health a written application, and shall state therein the name and business and residence address of the applicant or applicants, the source or sources from which said applicant or applicants obtain or will obtain supplies of milk, cream or milk food products, the number of cows in the possession of such applicant, the average quantity of milk, cream or milk food products procured, produced or handled and the average quantity disposed of by said applicant, and the manner and character of such disposition, and such other matters as may be required by the Director of Public Health, such application to be made to the said Director of Public Health upon printed blanks to be provided by the Director of Public Health for such purpose. Such application shall further state the specific brand or business name, if any, under which milk, cream or milk food products are to be imported, sold, exchanged or distributed.

If the Director of Public Health, upon such investigation and inspection as he may make, shall determine that the statements therein made are true, and that the applicant does not intend to bring into, sell, expose, or offer for sale, exchange, deliver or distribute, within the City and County of San Francisco, any unwholesome milk, cream or milk product as food for any human being, and that the production, transportation, storage and handling of the same is to be under sanitary conditions and in conformity with the regulations adopted as a part of this Article, he shall issue the appropriate permit therefor according to the nature of the business to be transacted or conducted by the applicant.

(b) **Assignment of Permits.** No permits shall be sold or assigned or transferred. Permits shall be subject at all times to revocation by said Director of Public Health in his discretion upon sufficient cause therefor shown; provided, however, that no such permit shall be revoked until after a hearing given by the Director of Public Health in the matter of the revocation of such permit after five (5) days' notice in writing has been served on the owner of such permit, which said notice shall be given to said owner or holder of said permit by mailing said notice by registered mail addressed to his place of residence or business as the same appears on said permit or on the records of the Department of Public Health, which notice shall state the ground of complaint against such owner and the time and place where



such hearing shall take place; provided, however, that when the holder of any permit shall have been convicted in any court of any violation of this Article or of any law relating to the production, transportation, storage, sale or distribution of milk, cream or milk food products, such permit may be revoked without notice.

**SEC. 487. Procedure for Renewal of Permits Revoked for Cause.** When a permit shall have been revoked by the Director of Public Health, no further permit shall be granted by said Director to the same person, firm or corporation until he, they or it shall file with said Director a bond in the sum of Five Hundred (\$500.00) Dollars with two (2) sureties approved by the Director of Public Health, conditioned for the faithful observance of all the regulations of the law and of said Director of Public Health relating to production, importation, sale, delivery and distribution of milk, cream or milk food products.

**SEC. 488. Statements of Permittees.** As often as required, and at least once each year, every person or persons, firm or corporation maintaining a pasteurizing plant, skimming and cooling station or dairy farm in, or bringing milk, cream or milk food products into the City and County of San Francisco and holding a permit so to do, shall furnish the Director of Public Health a full and true statement, sworn to before an officer qualified to administer oaths, of the sources and amounts of the supply of the milk, cream, milk fat and milk food products imported, sold or distributed by him or them, with the names and addresses of the persons from whom the same is obtained and the amount from each source, and such other information as is required of applicants for permits as hereinbefore provided, and all applications for permits, and all such written statements required as aforesaid, shall be registered by the said Director of Public Health.

(a) **Official Number of Permits.** When a permit is granted, the Director of Public Health will give the holder thereof an official number, and this number shall be used to mark the products of the pasteurizing plant or dairy farm as hereinafter prescribed.

Two (2) or more pasteurizing plants or dairy farms under the same ownership or control may use the same permit numbers, provided a serial letter is added in each case to designate the pasteurizing plant or dairy farm, and to enable its products to be identified.

All automobiles, motor trucks, or other vehicles from which market milk, cream, butter, ice cream, ice milk, buttermilk, or other milk food products are sold, marketed, delivered or peddled, shall have the name and address and permit number of the firm producing or processing the milk or milk food products handled or conveyed thereon or sold or peddled or delivered therefrom plainly painted thereon in letters at least three (3) inches high and one and one-half ( $1\frac{1}{2}$ ) inches wide, on both sides of such vehicles, or if such milk or milk food products are sold or exposed or offered for sale, delivery, distribution, or exchange within a store or house, then such permit number shall also be constantly exposed in some conspicuous manner at the place wherever such milk is sold, or kept, as to be plainly apparent.

(b) **Renewal of Permits.** Any applicant receiving and holding a permit such as is herein set forth, shall make application for the renewal of the same between December 1st and January 15th of the following year, and said permit shall be renewed, provided the applicant complies and conforms to all the provisions as set forth in this Article; and provided further that the permit of any producer who fails to ship for a period of ninety (90) days is automatically revoked.

No person shall operate a pasteurizer for the pasteurization of milk or other milk products until he shall have applied to the Department of Public Health for and obtained a license to do so. Before a license to operate a pasteurizer is issued to any applicant he shall by an oral and written examination and demonstration satisfy the Director of Public Health that he possesses a thorough knowledge of the provisions of this Article and the Agricultural Code of the State of California relating to the pasteurization of milk or milk products. Any license to operate a pasteurizer may be revoked by the Director of Public Health upon evidence or proof that the holder thereof failed or neglected to comply with all the laws, rules and regulations governing the pasteurization of milk and milk products.

This subsection will remain in force until such time as like provisions are incorporated in the Agricultural Code of the State of California.

**SEC. 489. Right of Entry and Inspection.** In order to carry out the purposes and provisions of this Article, the said Director of Public Health and all his officers, agents and employees shall have the right at any time and at all times to enter

upon or into the premises of any producer or vendor or distributor of milk, cream or milk food products authorized under the provisions of this Article, and any refusal upon the part of such producer, vendor or distributor to allow such entry and such inspection as may be required and directed by the said Director of Public Health may be punished by the revocation of the permit of such producer, distributor or vendor by the said Director of Public Health.

The Director of Public Health and all his officers, agents and employees shall have the right and it shall be their duty to enter and have full access, egress, and ingress to all places where milk, cream and milk food products are stored and kept for sale, and to all automobiles, motor trucks or other vehicles, railroad cars, steamboats, or conveyances of every kind used for the conveyance or transportation or delivery of milk, cream or milk food products, for the purpose of consumption in the City and County of San Francisco.

It shall be the duty of the said Director of Public Health to cause the dairy farms and other establishments from which milk, cream or milk food products brought into the City and County of San Francisco are obtained, to be inspected from time to time to satisfy said Director of Public Health that the provisions and requirements of this Article and all orders issued by said Director are constantly complied with.

It shall be unlawful for any person, or persons, firm or corporation to obstruct or interfere with the said Director of Public Health or any officer, agent or employee of said Director of Public Health in the performance of any of the duties required by this section.

It shall be the duty of the owner, agent or the manager of any pasteurizing plant, dairy farm, or other establishment from which milk, cream, or milk food products are brought into the City and County of San Francisco to forthwith report to the Director of Public Health of said city and county, in writing, anything of which he has knowledge or notice tending to render milk, cream, or milk food products, obtained from such pasteurizing plant, skimming or cooling stations or dairy farms, contaminated, impure or unwholesome.

**SEC. 490. Right to Take Samples.** The Director of Public Health and all his officers, agents and employees shall have the right at any time to take samples of milk from any person selling, exposing for sale, exchanging, delivering, or distributing in the City and County of San Francisco, or shipping into said city and county, milk or cream, provided that such samples shall not exceed in quantity one (1) quart of milk and one (1) quart of cream at any one time. Such samples shall be taken and sealed in full view of and in the presence of any person in charge of such milk or cream, and to said person shall be given at such time one-half ( $\frac{1}{2}$ ) of said sample or samples hermetically sealed by said Director of Public Health, or his officers, agents or employees. The other half of said samples shall be likewise hermetically sealed and delivered to said Director of Public Health by the officer, agent or employee of said Director of Public Health taking such sample. It shall be the duty of said officer, agent or employee, at the time said sample is taken, to attach to the bottle or container containing each half of said sample, a statement showing the number of the permit issued by said Director of Public Health displayed upon the tanks, or cans, or bottles, or wagons, from which such milk or cream was taken, and the date of the obtainment of the sample, and the name of the person by whom it was taken, and a memorandum thereof shall be made by the person obtaining such sample in a book kept for that purpose in the office of the Department of Public Health.

**SEC. 491. Milk Coming From Outside the City and County to be Exposed for Inspection.** It shall be the duty of all owners or consignees of milk, cream or milk food products brought into the City and County of San Francisco by any water craft to have the same tendered and exposed for inspection by the said Director of Public Health, his officers, agents or employees, according to the requirements of said Director of Public Health; provided that said milk, cream or milk products shall not be detained for inspection for a longer period than one (1) hour: It shall be the duty of the owner or consignee of milk, cream or milk food products brought into the City and County of San Francisco by land and over any road or railroad leading into the peninsula of San Francisco, to cause the same to be tendered and exposed for inspection according to the requirements of said Director of Public Health, provided that said milk, cream or milk food products shall not be detained for inspection a longer period than one (1) hour.

**SEC. 492. Milk Coming From Outside the City and County to be Plainly Marked.** It shall be the duty of all owners or consignees of milk or cream brought into the City and County of San Francisco by any water craft, railroad, or by land over any road, to attach to one (1) tank or can of each shipment a tag setting forth the following facts in a clear and legible manner:

Name of Shipper .....

Address ..... Permit No. ....

Number of Tanks..... Milk..... Cream..... Grade.....

Containers used for the purpose of delivering or receiving milk, cream or milk food products at a pasteurizing plant, skimming and cooling station or milk products plant shall be properly identified by having the producer's name or number lettered or stamped on the shoulder or cover in a legible manner that will not erase. Said name or number shall correspond with the name or number of the producer appearing on the records of the pasteurizing plant, skimming or cooling station or milk products plant.

**SEC. 493. Milk to be Tightly Covered.** It shall be unlawful to sell, offer for sale, expose for sale or ship into the City and County of San Francisco, for human consumption, any milk or cream or any other milk food product in any tank or container, holding more than three (3) gallons, except a tank truck, which is not provided with a proper and tight-fitting mushroom cover.

**SEC. 494. Sale of Milk, Cream and Buttermilk in Quantities of One Quart or Less.** It shall be unlawful for any person, firm or corporation to distribute, sell, offer for sale, or keep with the intention of selling, any milk, cream, buttermilk or milk drink in quantities of one (1) quart or less, in stores or any other place unless the milk, cream, buttermilk or milk drink is contained in tightly closed sterile milk bottles, except in the case of cream or buttermilk sold for consumption upon the premises.

**SEC. 495. Milk, Cream and Other Milk Food Products Bottles to be Capped and Marked.** All bottles or receptacles of a similar character in which milk, cream and other milk food products are distributed or sold must have stamped or printed on the caps or covers, in a conspicuous and legible manner, the name, address and permit number of the person, firm or corporation bottling said milk, cream or other milk food products, and the specific kind of milk, cream or other milk food products contained therein.

**SEC. 496. Names of Brands on Bottles and Caps or Covers Must Not Differ.** It shall be unlawful to distribute, sell, offer for sale, or expose for sale, any milk, cream or milk food products in any bottle or receptacle bearing in any manner thereon the name or names of any person, firm or corporation other than or different from the name or names printed or inscribed upon said cover or cap of such bottle or receptacle.

**SEC. 497. Transfer of Milk on Street.** No person shall transfer any milk, cream or milk food products from one can, bottle or receptacle on any street, alley, or thoroughfare, or upon a delivery wagon, or other vehicle, or in any place in the City and County of San Francisco, except in a pasteurizing plant, skimming and cooling station, or dairy farm the sanitary condition of which has been approved by the Director of Public Health.

**SEC. 498. Application of State Law, Etc.** Where this Article or the regulation of the Director of Public Health is silent upon any matter pertaining to the production, processing, pasteurization, transportation, sale, delivery, use or handling of milk, cream or of any of the products of either milk or cream, the provision of the state law or the regulations of the Director of Agriculture shall apply thereto.

**SEC. 499. Farm Tanks and Tank Truck Pickup Authorized.** The installation and operation of farm tanks and tank truck pickup systems for the holding of bulk milk on dairy farms and its transportation from farms to San Francisco are hereby authorized, subject to regulations of the Director of Public Health.

**SEC. 499.1. Regulations of Director.** The Director of Public Health is hereby authorized to make rules and regulations not in conflict with this Article or the state law for the purpose of carrying out the provisions of this Article.

**REGULATION 1. Erection, Alteration and Maintaining of Insanitary Milk Plant or Dairy Farm Structures Prohibited.** No person shall in any dairy, or dairy farm, erect or cause or permit to be erected by alteration, or maintain, any stable, milk house or any other building or structure which, or any part of which, shall be inadequate or defective in respect to strength, ventilation, light, drainage, or any other usual, proper or necessary provision or precaution for the security of health or life.

**REGULATION 2. Plans and Specifications for Pasteurizing Plants, Skimming and Cooling Stations and Dairy Products Plants.** When required, plans and specifications in duplicate of the pasteurizing plants, skimming and cooling stations and dairy products plants for which application for inspection is made, also of new plants and plants to be remodeled, must be submitted to the Director of Health.

**REGULATION 3. Plans and Specifications for Dairy Farm Structures.** Plans and specifications for dairy farm structures shall be as provided in the Agricultural Code and as fixed by regulation of the Director of Agriculture of the State of California.

**REGULATION 4. Hand Wash Basin.** A stationary hand wash basin connected with the water supply piping shall be provided convenient to the line of travel between the barn and pouring platform. Said basin to be equipped with individual soap and towels.

**REGULATION 5. Water Supply.** Dairy farms, pasteurizing plants, skimming and cooling stations or milk products plants shall be supplied with an abundance of pure water. Water from wells or springs which are not protected against the entrance a flood and surface water shall not be used for cooling milk or cleaning utensils.

**REGULATION 6. Examination of Water.** A sample of the water shall be furnished the Director of Public Health at any time requested.

**REGULATION 7. Toilets.** Each dairy shall be provided with adequate toilet facilities. Each toilet shall be of a sanitary type, properly fly-proofed and accessible.

**REGULATION 8. Cleaning and Washing of Utensils, Etc. (a) Washing.** On dairy farms and in pasteurizing plants, skimming and cooling stations and dairy product plants, all cans, bottles and utensils shall be thoroughly washed in water containing lye, sodium carbonate (sal soda) or some substitute containing a mixture of these or some other suitable cleansing compound, with or without soap.

(b) **Rinsing and Sterilizing After Washing.** After being washed, all cans, bottles and other milk utensils shall be thoroughly rinsed in a tank or tub having a constant inflow or outflow of clean, fresh water. After being rinsed, all cans, bottles and other milk utensils, except rubber articles, shall be effectively sterilized by the action of live steam. After being so subjected to live steam, said cans, bottles, or other milk utensils shall not be allowed to stand in any place where they are exposed to dirt, dust, flies, or other contamination. Rubber parts of mechanical milkers and other rubber articles shall be sterilized by being completely submerged in clean hot water at one hundred eighty-five (185°) degrees Fahrenheit for twenty (20) minutes. Notwithstanding the provisions of this paragraph, farm storage tanks and tank trucks may be sterilized by means of chemical agents.

(c) **Wash Trays.** Wash trays and rinsing tanks used for the cleansing of cans, bottles and other milking utensils shall not be used for any other purpose.

(d) **Cleaning of Brushes.** All brushes, scrapers and other appliances used in cleaning cans, bottles and other utensils must be sterilized daily and at all times must be free from incrustations and dirt.

(e) **Daily Cleansing of Wash Tanks and Floors.** Wash trays and tanks for cleansing and rinsing milk utensils and the floors of the wash room must be cleaned daily.

**REGULATION 9. Care of Herd. (a) Hair Clipping.** All long hairs about udders and flanks must be clipped and tails of cows must be kept short enough to clear the ground.

(b) **Sick Animals.** Sick cows, or cows showing signs of tuberculosis, contagious abortion, mammitis, mammary abscess, disease of the udder or teat, or actinomycosis (lumpjaw), or other evidence of ill health, or suspected of being ill shall be at once removed from the main stable and the milk of such shall be discarded.

**REGULATION 10. Men and Animals Must be Clean.** No milk shall be taken from any cow, goat, or other milk-producing animal unless such animals shall be in a clean condition; nor shall any such milk be taken from any animal except by an employee or other person who is himself in a cleanly and healthy condition.

**REGULATION 11. Feeding and Watering the Herd.** (a) **Wholesome Feed.** The feed provided for dairy herds must be sweet and clean and of such a nature as to give no odor to, or otherwise affect the taste or character of the milk. Fermented beet pulp, vegetable refuse, or swill, are positively prohibited.

(b) **Manner and Time of Feeding.** Cows shall be fed liberally and regularly; that is, in the same way and at the same hour every day.

(c) **Selection of Ration.** The selection of the ration shall be supervised and any change therein approved by the Director of Public Health.

(d) **Dry and Dusty Feed.** No dry or dusty feed shall be given within one (1) hour previous to milking. If its use is necessary, it must be sprinkled before it is fed.

(e) **Feed to be Separated From Herd.** All foodstuffs must be kept in an apartment separate from animals.

(f) **Drinking Water.** Pure water shall be given at regular and frequent intervals.

**REGULATION 12. Care and Delivery of Milk.** (a) **Emptying of Milk Buckets. Straining of Milk.** Immediately after receiving each pail as filled, the milk shall be taken to the milk house and emptied into a strainer from a platform outside the milk house. It shall be then promptly strained through a fine wire gauze and a layer of absorbent cotton protected on either side by a layer of cheese cloth, or equally good strainer.

(b) **Cooling of Fresh Milk.** The milk after being drawn and strained shall be cooled at once to a temperature of forty-five (45°) degrees Fahrenheit, except when milk is delivered to a central skimming and cooling station within two (2) hours after being drawn. Milk intended for consumption in San Francisco where delivery is made only once daily, must be shipped within four (4) hours after the final milking is completed.

(c) **Mixing of Milk Prohibited.** Milk from two or more milkings shall not be mixed together unless each is cooled to or below forty-five (45°) degrees Fahrenheit, and under no conditions shall ice be put into the milk.

(d) **Storing of Milk.** Where milk is shipped in cans from the dairy farm only once daily it shall be stored while on the dairy farm in a refrigerated storage box in the milk room, or if shipped in bulk it shall be held in a storage tank as provided in Section 499 and the regulations of the Director. The storage box shall be thoroughly scrubbed at least once daily and if drained it shall be indirectly trapped.

(e) **Wiring of Shipping Tanks and Cans.** The covers of all tanks and cans in which milk is transported from the dairy farm into San Francisco and all empty containers returned to the dairy farm, shall be tight fitting or be securely wired or otherwise fastened to the tanks or cans while in transit.

(f) **Drinking Milk From Covers Prohibited.** No person shall drink from any vessel or utensil, or the cover thereof, which is used for the delivery of milk, nor shall any tank, can, bottle or utensil used for the purpose of delivering milk be used for any other purpose.

(g) **Use of Milk Tanks or Utensils for Heating Milk, Cream, or Milk Products Prohibited.** It shall be unlawful to place any milk tank, can or utensil used in the delivery of milk, cream or milk products on or about a stove or other heating apparatus.

(h) **Milk Cans Must Not be Left on Sidewalk.** Milk cans containing milk or empty, delivered to or received from grocery stores, bakeries, delicatessen stores, restaurants, depots, or other similar places shall not be left upon the sidewalk or street.

(i) **Transit of Milk, Cream or Milk Products From Point of Entry to Dairy.** The transit of milk, cream or milk products from point of entry into San Francisco to the dairy depot, pasteurizing plant or dairy products plant shall be made within one (1) hour from the time of arrival.

(j) **Care and Delivery of Milk, Cream or Milk Products to Consumer.** While awaiting delivery to the city, milk, cream or milk food products shall be stored at a temperature of not more than forty-five (45°) degrees Fahrenheit and kept free from contamination.

**REGULATION 13. Milkers and Milking.** (a) **Personal Hygiene of Employees.** Milkers and employees shall be clean in habits and appearance.

(b) **Outer Garments, Care of.** A special suit of clean, outer garments and cap shall be worn during milking and at no other time; when not in use, these must not be kept in the stable or living room, but in a clean and well ventilated place.

(c) **Milkers to Wash Hands Before Milking.** Before beginning to milk the milkers' hands shall be carefully washed with soap and then rinsed in clean water.

(d) **Cleaning of Udders and Flanks.** No milk shall be taken from any cow, goat or other milk-producing animal unless such animal shall be in a clean condition. The udder and surrounding parts of every cow shall be cleaned before each milking.

All milking stools must be of a type approved by the Director of Public Health and must be cleaned after each milking.

(e) **Wet Milking and Use of Emollients Prohibited.** The milkers' hands shall be kept clean and dry when milking; they shall not come in contact with the milk. The use of vaseline, lard, oil or other substances is strictly prohibited on cows' teats during the process of milking.

(f) **Rejection of Fore Milk.** The first three (3) or four (4) streams of milk from each teat shall be discarded.

(g) **Hours and Manner of Milking.** Milking shall be done in a quiet, clean and thorough manner, and at the same hours daily.

(h) **Bloody and Stringy Milk.** If the milk from a cow is bloody or stringy, or thick, or if it has an unnatural appearance, or if manure gets into it, it shall be discarded and the pail washed and sterilized before it is used again.

(i) **Milk of Cows Separated From Herd.** Cows separated from the herd shall be milked after all others are milked, and this milk must not be used except as food for stock.

(j) **Domestic Animals and Others Excluded From Milk Room.** Milkers and other helpers not directly concerned in the straining, separating and filling of containers, shall not be allowed within the milk house while the milk is being strained or handled; nor shall any domestic animals be allowed therein.

(k) **Cleaning of Milk Room.** The milk house shall be washed and hosed down twice daily with fresh water.

**REGULATION 14. Employees' Living Quarters.** The living quarters of the employees of all dairies or dairy farms shall be contained within buildings or structures which shall be wholly separate, distinct and disconnected from the buildings or structures wherein the cattle of such dairies may be housed; the beds in all such living quarters, and in every room in which beds are kept or provided for such living quarters, and in every room in which beds are kept or provided for such employees shall be separated by a passageway of not less than two (2) feet horizontally; and all such beds shall be so arranged that under each of them the air shall freely circulate, and there shall be adequate ventilation; and five hundred (500) cubic feet of air space shall be provided and allowed for each bed or employee, and no more beds shall be permitted than those provided for according to the terms of this Article, unless free and adequate means of ventilation exists, to be approved by the Director of Public Health and a special permit in writing be granted therefor, specifying the number of beds or the cubic air space which shall under special circumstances be allowed.

**REGULATION 15. Owners Must Keep Quarters Clean and Provide Bath and Other Conveniences.** Every owner, lessee, tenant, occupant, proprietor or manager of any dairy or dairy farm shall cause every part thereof and the appurtenances to be put and shall thereafter cause the same to be kept in a cleanly and wholesome condition and shall cause every part thereof in which any person may sleep, dwell or work to be adequately lighted and ventilated according to the direction of and to the satisfaction of the Director of Public Health; and proper accommodations for urinals, water closets, bath tubs and washing utensils shall be provided, according to the direction and to the satisfaction of the Director of Public Health.

**REGULATION 16. Health of Employees.** The Director of Public Health or his representatives shall inspect all buildings connected with the dairy, or dairy farms, and all persons who directly or indirectly come in contact with the industry, and where deemed necessary he shall demand a certificate of health or make a physical or other examination to establish the health of any or all persons on a dairy or dairy farm. The dairyman shall keep informed as to the health of all employees and the members of their households. No person connected with the dairy shall enter a house where it is known that there has been an infectious disease, until it has been

disinfected. No employee or other person who has been in contact with any infectious disease shall be permitted in the dairy.

**REGULATION 17. Sale of Milk to be Stopped When Communicable Disease Occurs.** No person with a throat infection or who is otherwise ill shall be admitted to the stable or milk room.

The existence of smallpox, typhoid fever, diphtheria, scarlet fever, measles or other contagious disease on, or in the vicinity of, the dairy farm shall be promptly reported to the Director of Public Health, and the sale of milk shall be stopped until its resumption is authorized by said Director.

**SEC. 500. Penalty.** Any person, firm or corporation who shall violate any of the provisions of Sections 480 to 499, inclusive, of this Article, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine or not less than Twenty-Five (\$25.00) Dollars and not more than Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for not more than one hundred (100) days, or by both such fine and imprisonment.

**SEC. 504. Fees for Inspection of Milk.** For issuing a permit and making the inspection required, the Director of Public Health shall collect monthly the sum of Twelve (12¢) Cents for each one hundred (100) gallons of milk that the holder of such permit shall sell or supply for human consumption, within the city and county during the months previous. The holder of such permit shall render a true statement of the amount of milk so sold or supplied and pay the fee hereby imposed on or before the twentieth (20th) day of each calendar month. A failure to pay such fee or render the statement shall operate to revoke the permit theretofore issued.

**SEC. 509. Milk and Cream Inspection Fees—Pasteurizing Plants.** Milk pasteurizing plants in the City and County of San Francisco whose average pasteurization of milk is less than one thousand (1,000) gallons per day shall pay a monthly fee of Fifteen (\$15.00) Dollars.

Milk pasteurizing plants whose average pasteurization of milk is more than one thousand (1,000) gallons per day shall pay a monthly fee of Twenty-Five (\$25.00) Dollars.

**SEC. 510. Gallonage Fee.** Milk pasteurizing plants shall pay an inspection fee of Two and Three-tenths (2.3¢) Cents per one hundred (100) gallons of milk and cream pasteurized, and a written report, duly verified, setting forth the number of gallons pasteurized per month, on forms provided by the Director of Public Health, shall be filed monthly with said Director of Public Health.

**SEC. 511. Time of Payment.** Said fees shall be paid to the Director of Public Health on or before the tenth (10th) day of each month for inspection service performed during preceding calendar month.

**SEC. 512. Collection of Fee.** The city and county may also collect any fee by civil action.

## ARTICLE 10

### MEAT AND MEAT PRODUCTS

Sec. 535. Definitions.

Sec. 536. Meat inspection brands.

- (a) No meat without inspection to be shipped.
- (b) Calves.
- (c) Unsound, unhealthful, etc., meats.
- (d) Reinspection.
- (e) Unlawful to forge, alter, etc., brands.
- (f) Authority to make regulations.

Sec. 537. State laws.

Sec. 538. Fees and charges.

Sec. 539. Sale from vehicles, etc.

Sec. 540. Penalty.

Sec. 541. Exemptions.

Sec. 546. Use of dyes, chemicals, etc., in meat or meat products.

Sec. 547. Penalty.



- Sec. 552. Transportation of uncovered carcasses for food use.  
Sec. 553. Sale of horse or mule meat prohibited.  
Sec. 557. Hours of business. Uncooked and uncured meats.  
Sec. 558. Penalty.  
Sec. 563. Keeping of swine.  
Sec. 568. Meat defined.  
Sec. 569. Meat must be as advertised.  
Sec. 570. False advertising prohibited.  
Sec. 571. Classes of meat defined.  
Sec. 572. Cuts of meat defined.  
Sec. 573. Conflicts.  
Sec. 574. Penalty.

SEC. 535. **Definitions.** "Department" as used in this Article shall mean the Department of Public Health of the City and County of San Francisco.

"The Director" as used in this Article shall mean the Director of Public Health of the City and County of San Francisco.

The term "meat" as used in this Article shall mean the edible part of the carcass of any cattle, calf, sheep, lamb, goat or swine which is not manufactured, cured, smoked, processed or otherwise treated.

"Meat food products" as used in this Article shall mean any article of food, or any article which enters into the composition of food for human consumption which is derived or prepared in whole or in part from any portion of the carcass of any of the animals mentioned in Section 536 of this Article, if such portion is all, or a considerable or definite portion of the article, except such articles as meat juices or meat extracts which are only for medical purposes and are advertised only to the medical profession.

"Federal inspection" as used in this Article shall mean any service for the inspection of meat and meat food products maintained by the government of the United States.

"State inspection" as used in this Article shall mean any service for the inspection of meat and meat food products maintained by the State of California.

"Local inspection" as used in this Article shall mean any service for the inspection of meat and meat food products maintained by the City and County of San Francisco under approval of the Department of Agriculture of the State of California.

"Other approved inspection services" as used in this Article shall mean any meat and meat food products inspection service maintained by any city or county, which said service has been approved and continues to be approved by the Department of Agriculture of the State of California.

SEC. 536. **Meat Inspection Brands.** No person, firm or corporation shall expose for sale or offer for sale, or sell or otherwise dispose of, or have in his possession, in the City and County of San Francisco, any meat of any cattle, calf, sheep, lamb, goat or swine or any meat food products thereof, which does not have thereon the inspection mark or brand and stamp of approval of either the federal inspection, state inspection, local inspection or other approved inspection service. If any carcass of any animal heretofore named or meat food products are kept, or offered for sale, or exposed within the City and County of San Francisco which does not bear one of the aforesaid stamps or brands, said Department shall take possession of and destroy said meat or meat food products.

(a) **No Meat Without Inspection to be Shipped.** No person, firm or corporation shall ship, send, bring or cause to be brought into the City and County of San Francisco, the meat of any cattle, sheep, lamb, goat or swine, or any meat food products thereof, which does not bear the meat inspection brand or other mark of identification recognized by the Department, and/or the Department of Agriculture of the State of California.

(b) **Calves.** The carcasses of calves in good healthy condition and weighing more than fifty-five (55) pounds for smaller breeds or sixty-five (65) pounds for larger breeds, exclusive of head, heart, lungs and liver, may be brought into the City and County of San Francisco, and each of said carcasses of such calves must be inspected and stamped and marked by the Department at the point of



arrival of said carcasses of such calves in the City and County of San Francisco, or at their first place of rest.

(c) **Unsound, Unhealthful, Etc., Meats.** All meats or meat food products which are unsound, unhealthful, unwholesome or otherwise unfit for food, shall be stamped or otherwise marked by the Department "San Francisco Department of Public Health Inspected and Condemned" and shall be destroyed or otherwise disposed of as provided by rule of the Department.

(d) **Reinspection.** All meats or meat food products sold or offered for sale in the City and County of San Francisco shall be subject to reinspection and condemnation by the Department.

(e) **Unlawful to Forge, Alter, Etc., Brands.** It shall be unlawful for any person, firm or corporation to forge, counterfeit, simulate or falsely represent, or without proper authority to use or detach or wrongfully alter, deface or destroy any of the stamps or marks or brands recognized by the Department, on any cattle, calf, sheep, lamb, goat or swine, or any meat food products thereof, or any carcass, or any part or parts of any carcass or carcasses named in Section 536 of this Article, except that the processor thereof may remove or destroy any stamp or mark before said carcass or portion thereof is processed, or any retail butcher may destroy said stamp or mark before any portion of said carcass is delivered to the ultimate consumer thereof.

(f) **Authority to Make Regulations.** The Department is authorized to adopt, promulgate and enforce such rules and regulations regarding the slaughterhouses and places where meat food products are manufactured, as well as such rules and regulations relative to the inspection of meats and meat food products, as will enable the Department to enforce and carry out the meaning and intent of this Article, and to maintain the standard of meat inspection of the Department of Agriculture of the State of California.

**SEC. 537. State Laws.** All of the provisions of the Agricultural Code of the State of California, as well as the rules and regulations made under authority of said code, regarding the inspection and examination of any of the animals mentioned in Section 536 of this Article, as well as regarding the killing of said animals and the inspection, keeping and handling of the meat of said animals, and meat food products thereof, except in so far as the same are changed or modified by this or other ordinances of the City and County of San Francisco, or by rules made under authority of said ordinances, shall apply to the inspection and examination and killing of said animals mentioned in said Section 536, and to the inspection, keeping and handling of the meat of said animals.

**SEC. 538. Fees and Charges.** For the purpose of meeting and providing for the cost of the inspection and examination provided for in this Article, the following fees shall be paid to the Tax Collector of the city and county:

(a) All persons, firms and corporations killing, dressing and making ready for market in the City and County of San Francisco any of the animals mentioned in Section 536 of this Article shall pay the sum of One (1¢) Cent per each one hundred (100) pounds of the meat of said animals as weighed after said animals have been killed and dressed; provided, that the minimum monthly sum paid shall be not less than Ten (\$10.00) Dollars.

(b) Any person, firm or corporation in the City and County of San Francisco manufacturing and offering for sale any meat food products shall pay an annual inspection fee of Fifty (\$50.00) Dollars per year, payable semi-annually, in advance, and, in addition to the said annual inspection fee, shall pay the following amounts based upon the amount of meat food products manufactured per month, namely:

Exceeding	But Not Exceeding	Per Mo.
5,000 lbs.	10,000 lbs. per month.....	\$ 2.08
10,000 lbs.	20,000 lbs. per month.....	4.17
20,000 lbs.	30,000 lbs. per month.....	6.25
30,000 lbs.	40,000 lbs. per month.....	8.33
40,000 lbs.	50,000 lbs. per month.....	10.42
50,000 lbs.	60,000 lbs. per month.....	12.50
60,000 lbs.	70,000 lbs. per month.....	14.58
70,000 lbs.	80,000 lbs. per month.....	16.67
80,000 lbs.	90,000 lbs. per month.....	18.75
90,000 lbs.	100,000 lbs. per month.....	20.83

Any person, firm or corporation in the City and County of San Francisco engaged in the business of a retail meat dealer and who earns meat which has thereon the inspection mark or brand and stamp of approval of either the federal inspection, state inspection, local inspection or other approved inspection service, and which corning of meat is an incident to their regular retail fresh meat business, shall be exempt from the payment of the fees provided for manufacturers of meat food products as set forth in subsection (b) of Section 538 of this Article in so far as they relate to the corning of such meat.

All of said persons, firms or corporations mentioned in subdivisions (a) and (b) of this section shall keep full, true and correct books of account showing in pounds the amount of meat killed or dressed, as well as the amount of meat food products manufactured, and each of said persons shall on or before the 10th day of each calendar month file with the Department and with the Tax Collector a verified statement showing in pounds the amount of meat killed or dressed, or the amount of meat food products manufactured during the preceding calendar month, and shall thereupon pay to said Tax Collector the amount due for the inspection of the same, as in this section provided.

The books of account mentioned herein shall at all times be opened to the inspection of the Department or of the Controller or his representatives.

The Controller shall provide for the method of billing, collecting and accounting for all amounts to become due under this Article.

**SEC. 539. Sale From Vehicles, Etc.** All persons, firms or corporations selling, or offering for sale, any meat, or meat food products from any vehicle, wagon, truck, cart or automobile, shall keep said vehicle, wagon, truck, cart or automobile in a clean and sanitary condition, and the same shall be subject to inspection by the Department.

Any person, firm or corporation, without a fixed or established place of business within the City and County of San Francisco engaging in the business of selling, or offering for sale, any meat or meat food products from any vehicle, wagon, truck, cart or automobile, shall first obtain a permit from the Department, and shall pay an annual inspection fee of Fifty (\$50.00) Dollars, payable quarterly in advance, for each such vehicle.

Each such vehicle shall have printed conspicuously on both sides the firm name, address and Department permit number of the vehicle in letters and figures not less than three (3) inches in height.

Every person, firm, or corporation paying the fees provided for in this section shall be exempt from the provisions of Sections 228 to 235, inclusive, Part III of this Municipal Code, covering the same classification.

**SEC. 540. Penalty.** Any person, firm or corporation, or their agents, violating any of the provisions of Sections 535 to 539, inclusive, of this Article, or failing to comply with any direction or order of the Director of Public Health of the City and County of San Francisco, given pursuant to the provisions of this Article, or any agent of said Director, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a period of not less than ten (10) days nor more than three (3) months, or by both such fine and imprisonment; and any violation of the provisions of this Article shall subject the violator thereof to revocation of any and all permits held.

**SEC. 541. Exemptions.** Any person, firm or corporation paying the fees provided in this Article shall be exempt from the payment of the fees provided for in Section 228, Part III of this Municipal Code.

**SEC. 546. Use of Dyes, Chemicals, Etc., in Meat or Meat Products.** It shall be unlawful for any person, firm or corporation to sell, prepare for sale, offer for sale or have on hand for sale any meat or meat-food product which shall contain any substance which lessens its wholesomeness, or any drug, chemical, dye or preservative, other than common salt, sugar, wood smoke, vinegar, pure spices or saltpeter.

Whenever any conviction is sought under this section upon any alleged sample of meat or meat food product, it must clearly appear that the sample was taken in duplicate and one of said samples left with the accused or with his agent, servant or employee.

**SEC. 547. Penalty.** Any person, firm or corporation violating the provisions of Section 546 of this Article shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not less than Twenty-Five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars or by imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment.

**SEC. 552. Transportation of Uncovered Carcasses for Food Use.** It shall be unlawful for any person to transport any beef, mutton, veal, pork, or the carcass of any animal used for food, along any public street, unless it be so covered, or unless the vehicle in which it is transported be so constructed, as to entirely protect the meat from dust and dirt, and so that the same may not be exposed to view.

**SEC. 553. Sale of Horse or Mule Meat Prohibited.** It shall be unlawful to transport for sale, sell, offer for sale, or expose for sale, any horse meat or mule meat for human consumption within the City and County of San Francisco.

**SEC. 557. Hours of Business—Uncooked and Uncured Meats.** It shall be unlawful for any person, firm, partnership, association or corporation, within the City and County of San Francisco, to sell or offer for sale any fresh, frozen uncooked or uncured meats except during the hours between 7 o'clock A.M. and 6 o'clock P.M., and all such places of business shall be closed upon all Sundays and legal holidays; provided, however, that when a holiday shall fall upon a Saturday, such business may then be conducted between the hours of 7 o'clock A.M. and 12 o'clock noon; provided, further, that any place of business where strictly Kosher meats are sold or offered for sale may be kept open for business on Saturdays from sundown to 12 o'clock P.M., and on Sundays between the hours of 8 o'clock A.M. and 12 o'clock noon.

It shall be unlawful for any such place of business to be so conducted, operated or maintained, unless said place of business is equipped with refrigeration boxes, containers or counters, in accordance with the rules and regulations of the Department of Public Health.

**SEC. 558. Penalty.** Every person, firm, partnership, association or corporation violating any of the provisions of Section 557 of this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars, or by imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment.

**SEC. 563. Keeping of Swine.** It shall be unlawful for any person, firm or corporation to keep or cause to be kept any swine in the City and County of San Francisco except as follows:

For the sole purpose of loading, unloading, feeding and slaughtering of swine, the provisions of this section shall not apply to that part of the city and county bounded and described as follows:

Starting at the point of intersection of the southwesterly line of Arthur avenue with the southeasterly line of Third street or Railroad avenue; thence continuing along Arthur avenue to the intersection with the northwesterly line of Keith street; thence southeasterly along Keith street to the northeasterly line of Fairfax avenue; thence northwesterly along the northeasterly line of Fairfax avenue to the southeasterly line of Third street, also called Railroad avenue; and thence northeasterly to Arthur avenue and point of commencement, provided that all buildings and structures shall be built and maintained in accordance with the building laws applicable thereto; and provided, further, that a certificate of sanitation shall be obtained from the Director of Public Health for the maintenance or operation of said business or premises, and further provided that no swine shall be kept upon said premises or within the City and County of San Francisco for a period longer than thirty (30) days.

**SEC. 568. Meat Defined.** As used in this Article, "meat" shall mean the edible part of the carcass of any cattle, calf, sheep, lamb, goat or swine.

**SEC. 569. Meat Must be as Advertised.** Any class or cut of meat which is defined in Sections 568 to 572, inclusive, of this Article, must conform to such definition if advertised as such or offered for retail as such.

**SEC. 570. False Advertising Prohibited.** It shall be unlawful for any person, firm, co-partnership, association or corporation, or any agent or employee there-

of, selling or delivering or offering for sale or delivery meat at retail to misrepresent the classes or "cuts" of meat as defined in Sections 568 to 572, inclusive, of this Article, in their advertising or placards, or in any other manner whatsoever.

**SEC. 571. Classes of Meat Defined.** For the purposes of this Article, the several classes of meat are defined as follows:

(a) "BEEF" is defined as flesh from animals of the bovine species, divided into the following classes:

(1) "Baby Beef" is from steers or heifers aged from eight (8) to eighteen (18) months at the time of slaughter, showing finished fed condition, excellent conformation and quality;

(2) "Steer Beef" is from a male that was castrated before he advanced far enough toward maturity to make reproduction possible. The animal must also have progressed beyond the veal or calf stages. The term "steer beef" shall not be applied to heifer, sow, stag, or bull beef;

(3) "Heifer Beef" is from a female that has passed beyond the veal or calf stages, but has never had a calf, and has not reached advanced pregnancy;

(4) "Cow Beef" is from a mature female that has had one or more calves, or was advanced in pregnancy at time of slaughter;

(5) "Veal" or "Calf" is from a bovine animal less than eight (8) months of age at time of slaughter. "Milk Veal" is from a calf that has not been weaned;

(b) "LAMB" is defined as the flesh of animals of the sheep family or ovine species, not over twelve (12) months of age at time of slaughter;

(1) "Spring Lamb" is from lambs less than six (6) months of age at the time of slaughter. This term shall not be used in describing lambs offered for sale after October 1st, in any year, nor until the new crop of lambs arrives on the market about March 1st, in any year;

(2) "Fed Lambs" or "Lamb" is from lambs which have been weaned and which are sold for slaughter at from six (6) months to twelve (12) months of age;

(3) "Yearling Mutton" is defined as the flesh of animals of the sheep or ovine family which are from twelve (12) to twenty (20) months of age at time of slaughter. Such animals must be designated and sold as "Yearling Mutton";

(4) All animals of this species which have passed the "Yearling Mutton" stage must be designated and sold as "mutton," and shall not be sold or offered for sale as "lamb". Ewes, which are hereby defined as mature females of the ovine species, must be designated and sold as "Ewe Mutton";

(c) "PORK" is from animals of the porcine species. Boars and sows over eighteen (18) months of age shall not be advertised or sold as "Young Pork" or "Pig Pork."

(d) In all cases of doubt arising under these definitions, the standards prescribed by the United States Department of Agriculture shall prevail.

**SEC. 572. Cuts of Meat Defined.** The following terms, used in describing the various retail cuts of meat, shall be used and applied only as defined herein, as follows:

(A) In naming the ribs of the carcass, the first or Number One rib shall be that which is closest to the neck, the other ribs being counted from that point.

(1) "Prime rib roast" shall consist of from the eighth to thirteenth ribs, inclusive, of a beef carcass. "Short cuts" shall be used only when the rib bone is not more than five (5) inches in length from the junction of the eye and the rib. "Long cut" shall have the plate removed at a point parallel to the chine-bone and making a twelve-inch wing.

(2) "Beef round" shall consist of the buttocks cut to include the section from the socket bone to the gambrel or hock.

(3) "Round steak" shall be cut from the round, including top and bottom with or without bone. In advertising any cut of round steak, the particular kind of round as defined herein must be stated.

(4) "Top round steak" shall be cut from the upper or inside portion of the round with or without bone.

(5) "Bottom round steak" shall be cut from the under or outside portion of the round without bone.

(6) "Heel of round" shall be the lower portion of the round, triangular in shape.

(B) "Forequarter of lamb" shall consist of not less than thirteen (13) ribs, shoulder, breast, shank and neck.

(1) "Shoulder of lamb" shall consist of the shoulder in one (1) piece, including not less than three (3) ribs, and may include the neck and shank. "Shoulder of lamb, Boston style," shall not be used with the term "leg" or "leg of lamb." Its use shall be confined to shoulders of lamb as herein defined.

(2) Any part of the shoulder of lamb cut to contain less than three (3) ribs shall be described as "yoke of lamb." Any yoke of lamb cut with the major part of the breast attached must be advertised and sold as "yoke of lamb with breast."

(C) "Pork loin" shall be cut at the leg end at a point two and one-half (2½) inches above the aitch-bone on the pork leg, and shall include thirteen (13) ribs and no further portion of the shoulder, and the belly shall be removed at a point not to exceed five (5) inches from the chin-bone at the center part of the loin.

(1) "Pork loin roast" shall consist of not less than half the loin.

(2) "Pork loin chops" shall be cut from the fifth rib to the hip bone. "Large loin pork chops" shall be cut from that portion of the loin from the hip-bone to the aitch-bone, inclusive.

(3) "Pork leg" shall consist of the hind leg, with foot removed through the hock joint; the butt shall be rounded and the tail removed. "Leg pork roast" shall consist of not less than half a leg.

**SEC. 573. Conflicts.** Whenever a conflict arises in the definitions as set out herein, or the words "Prime" or "Choice" are used in advertising meat offered for sale or delivery at retail, the standards of the Bureau of Agricultural Economics of the United States Department of Agriculture shall prevail in the operation of Sections 568 to 574, inclusive, of this Article. The use of the terms "A-1" or "Stall-fed" shall be prohibited unless the meat sold under such terms shall be the equivalent in grade of the United States Department of Agriculture standards of "Prime" or "Choice." The standards of the United States Department of Agriculture shall prevail only for the enforcement of Sections 568 to 574, inclusive, of this Article, and nothing contained in Section 568 to 574, inclusive, of this Article shall be construed to apply the standards of the United States Department of Agriculture to the compulsory grading of meat sold or offered for sale at retail in the City and County of San Francisco.

**SEC. 574. Penalty.** Any person violating any provisions of Sections 568 to 573, inclusive, of this Article shall be guilty of a misdemeanor.

## ARTICLE 11 NUISANCES

Sec. 585. Spoiled food.

Sec. 590. Discharge of soot, smoke, etc.

Sec. 591. Penalty.

Sec. 596. Insanitary buildings, etc.

- (a) Definition.
- (b) Complaints.
- (c) Notice of hearing.
- (d) Decision.
- (e) Order of vacation, etc.

Sec. 597. Notice to Police Department.

Sec. 598. Penalty for resisting order.

Sec. 599. Abatement.

- (a) Notice to Director.
- (b) Reoccupation.
- (c) Lien for costs.

Sec. 600. Penalty.

Sec. 605. Poison ivy and poison oak, removal on notice.

Sec. 606. Poison ivy and poison oak, a nuisance.

Sec. 607. Enforcement.

Sec. 608. Penalty.

Sec. 613. Operation of gas works regulated.

**SEC. 585. Spoiled Food.** Any article of food or drink in the possession or under the control of any person, firm, association or corporation which is tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drunk is hereby declared to be and is a public nuisance.

The Department of Public Health of the city and county, is hereby authorized and directed to abate said nuisance, and to seize, confiscate, condemn and destroy any article of food or drink in the possession or under the control of any person, firm, association or corporation which has become tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drunk.

The term "food" as used herein includes all articles used for food or drink by man, whether simple, mixed or compound.

**SEC. 590. Discharge of Soot, Smoke, Etc.** It shall be unlawful for any person, firm, association or corporation to operate or maintain within any residential or commercial district of the City and County of San Francisco, as defined in and by its zoning ordinances from time to time in force, any permanently located furnace, fire-box or other device whereby petroleum, coal or other substance is consumed by fire which emits or causes to be emitted dense smoke as hereinafter defined; provided, however, that dense smoke may be emitted for a period of one (1) minute to afford the operator time to locate the cause of such smoke, and, provided, further, that dense smoke may be emitted during a period or periods aggregating not more than ten (10) minutes in any one (1) hour during which the fire-boxes, flues or furnaces are being cleaned, a new fire is being started or fires are being increased or decreased in intensity; provided, further, that portable boilers shall have screen bonnet on smoke-stack which shall prevent the escape of unreasonable quantities of oil or soot. Smoke shall be considered dense within the meaning of this section when its density shall exceed the density designated as Diagram No. 3 upon the Ringelmann Smoke Chart published and used by the United States Bureau of Mines, a copy of which is on file in the office of the Clerk of the Board of Supervisors of the City and County of San Francisco.

It shall be unlawful for any person, firm, association or corporation within any residential or commercial district aforesaid to cause, permit or allow solid particles of soot, ashes or cinders to issue or be discharged from any flue, chimney or smoke-stack or from any other structure or appliance for such period of time or in such quantities as to become a nuisance by reason of depositing such particles upon surrounding property.

It shall be unlawful for any person, firm, association or corporation within the City and County of San Francisco to cause, permit or allow objectionable fumes to issue or be discharged from any flue, chimney or smoke-stack or from any other structure or appliance for such period of time or in such quantities as to become a nuisance on account of causing obnoxious odors in any residential or commercial district aforesaid.

It shall be unlawful for any person, firm, association or corporation within any commercial district aforesaid to erect, construct or maintain, or to cause or permit to be erected, constructed or maintained, any permanently located stationary flue, chimney or smoke-stack within fifty (50) feet of any window of any adjacent building unless the top of such flue, chimney or smoke-stack shall be higher than each portion of such window; provided, however, that this section shall not apply in any case where the persons owning and operating such adjacent building shall refuse to grant permission to brace or support such flue, chimney or smoke-stack by means of wire or struts attached to such building.

Representatives of the Department of Public Health of the City and County of San Francisco are hereby authorized to enter during reasonable hours upon any premises upon which is located any flue, chimney or smoke-stack or any other structure or appliance from which smoke, soot, ashes, cinders or fumes are discharged in violation of this section, for the purpose of making an examination as to the cause of the excessive discharge of such smoke, soot, ashes, cinders or fumes and the manner of using the same and any other fact or facts showing compliance with or violation of this section. Such representatives shall make report to the Department of Public Health of such examination within ten (10) days after receiving a complaint of violation of this section.

**SEC. 591. Penalty.** Any person, firm, association or corporation who shall violate any of the provisions of Section 590 of this Article, shall be punishable by a fine not exceeding Fifty (\$50.00) Dollars, or by imprisonment in the County Jail for not exceeding five (5) days, or by both such fine and imprisonment.

**SEC. 596. Insanitary Buildings, Etc. (a) Definition.** All buildings, structures, or parts thereof which are insanitary, are hereby declared to be and are nuisances, and the Director of Public Health is hereby authorized and empowered to abate the same in the manner provided in Sections 596 to 600, inclusive, of this Article.

(b) **Complaints.** Whenever a written complaint shall be made to the Director of Public Health that any building, structure or part thereof is in an insanitary condition, the said Director shall order a hearing of said complaint and fix the time and place therefor. The complaint shall contain specific allegations setting forth the conditions complained of.

(c) **Notice of Hearing.** Upon the filing of such complaint, the Director of Public Health shall cause a copy thereof, together with a notice of the time and place set for the hearing thereof, to be served personally upon the owner of said structure, building or part thereof complained of, or his agent, or the lessee, or the occupant thereof, and shall cause a copy of said complaint, together with said notice of hearing, to be posted in some conspicuous place on said structure. The time fixed for the hearing of said complaint shall not be less than forty-eight (48) hours after the service and posting of the copy of said complaint and said notice. Said notice shall require all persons interested to appear at the hearing to show cause, if any they have, why said structure, building or the part thereof complained of, should not be declared insanitary.

(d) **Decision.** The Director of Public Health, upon conclusion of said hearing, shall decide upon the facts submitted whether or not said alleged condition constitutes a nuisance under the terms of Sections 596 to 600, inclusive, of this Article and shall embody said decision in a formal statement setting forth his findings.

(e) **Order of Vacation, Etc.** The Director of Public Health, upon his determination and finding that the structure, building or part thereof complained of, is a nuisance, shall order the vacation of same for all purposes, and shall cause a copy of said order to be posted in a conspicuous place on the aforesaid structure, building or part thereof determined by said Director to be a nuisance, and a copy thereof to be personally served upon the owner thereof or his agent, or the lessee or the occupant thereof. The order shall specify the time within which said structure, building or part thereof determined by said Director to be a nuisance shall be vacated, which shall not be less than forty-eight (48) hours after the passage of said order and the personal service thereof as above provided.

**SEC. 597. Notice to Police Department.** The Director of Public Health shall give written notification thereof to the Chief of Police, who shall thereupon, through the officers of the Police Department, execute and enforce the said order of vacation.

**SEC. 598. Penalty for Resisting Order.** Any owner, or the agent of such owner, or the lessee, or the occupant of any structure, building or part thereof ordered vacated hereunder who shall himself or through others forcibly resist or prevent the enforcement of such order shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-Five (\$25.00) Dollars, nor more than Two Hundred and Fifty (\$250.00) Dollars, or by imprisonment in the County Jail for a period of not less than ten (10) days nor more than three (3) months, or by both such fine and imprisonment.

**SEC. 599. Abatement. (a) Notice to Director.** Unless within forty-eight (48) hours after the service of notice to vacate as above provided, the owner, or his agent, or the lessee, or the occupant of said building, structure or part thereof, shall notify the Director of Public Health in writing that he will make or cause to be made such alterations or repairs as in the judgment of the Director of Public Health shall be necessary for the purpose of making said building, structure or part thereof sanitary, the Director of Public Health shall proceed to abate the same. If said notice be given as aforesaid the Director of Public Health shall grant a reasonable time to make said alterations and repairs. If said alterations and repairs are not made and completed within said time allowed by said Director, the Director of Public Health shall by formal statement, order, and in accordance with said order, cause the abatement of said nuisance and



the destruction of said building, structure or part thereof, herein provided, found and determined to be a nuisance.

(b) **Reoccupation.** The structure, building or part thereof vacated hereunder shall not be reoccupied without the written permission of the Director of Public Health, but such permission must be granted when within the time allowed as hereinbefore specified the alterations and repairs required to be made by the Director of Public Health shall have been made.

(c) **Lien for Costs.** Upon the written application therefor of the Director of Public Health, the Board of Supervisors shall allow and order paid out of such fund as the Board of Supervisors may lawfully specify any sums the expenditure of which may be necessary for the enforcement of Sections 596 to 600, inclusive, of this Article, and the Controller shall audit and the Treasurer shall pay such sums so allowed and ordered paid, and the amount so expended shall become a lien upon the property upon which said nuisance was abated in accordance with the provisions of Sections 596 to 600, inclusive, of this Article. And said amount may be recovered by an action against said property or the owner thereof.

**SEC. 600. Penalty.** Any person, firm or corporation, or their agents, violating any of the provisions of Sections 596 to 599, inclusive, of this Article, or failing to comply with any direction or order of the Director of Public Health given pursuant to the provisions of Sections 596 to 599, inclusive, of this Article, by the Director of Public Health or any other agent of said Director of Public Health, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-Five (\$25.00) Dollars nor more than Two Hundred and Fifty (\$250.00) Dollars, or by imprisonment in the County Jail for a period of not less than ten (10) days nor more than three (3) months, or by both such fine and imprisonment.

**SEC. 605. Poison Ivy and Poison Oak, Removal on Notice.** Owners of all vacant lots and open spaces in the City and County of San Francisco, which become infested with poison oak or poison ivy shrub (*Rhus Toxicodendron*) hereafter referred to in Section 606 of this Article as poisonous growth, are hereby required to cause the removal and destruction of such poisonous growth within three (3) days after the receipt of notice to remove same. Notice to remove such growth shall be given by the Department of Public Health and served by delivering a copy thereof to the owner or his agent personally, or if such owner or agent be not known, then by posting same in a conspicuous place on the lot or space to be described in the notice.

**SEC. 606. Poison Ivy and Poison Oak, a Nuisance.** The presence of poisonous growth commonly known as poison oak or poison ivy shrub is hereby declared to be a nuisance and a detriment to public health.

**SEC. 607. Enforcement.** The Department of Public Health is hereby charged with the proper enforcement of Sections 605 and 606 of this Article.

**SEC. 608. Penalty.** Any person, firm, association or corporation neglecting or refusing to remove and destroy such poisonous growth within three (3) days after receipt of notice so to do, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than Fifty (\$50.00) Dollars, or by imprisonment in the County Jail for a period of not more than fifteen (15) days, or by both such fine and imprisonment.

**SEC. 613. Operation of Gas Works Regulated.** It shall be unlawful for any person, firm or corporation engaged in the business of manufacturing illuminating gas, to cause or permit any gas, tar, or refuse to be deposited in any public waters or sewer, or public street or place; or to permit any gas, dangerous or prejudicial to health, to escape from any gas works or pipes; or to manufacture illuminating gas of such ingredients or quality that in the process of burning, such gas or anything escaping therefrom shall be dangerous or prejudicial to life or health.

Every person, firm or corporation engaged in the manufacture of illuminating gas must use the most approved methods to prevent the escape of odors.



ARTICLE 12  
SANITATION—GENERAL

- Sec. 635. Cigar factories.
- (a) Establishment, etc.
  - (b) Requirements for certificate, etc.
  - (c) Use of premises, etc.
  - (d) Prohibitions.
- Sec. 636. Display of certificate.
- Sec. 637. Enforcement.
- Sec. 638. Penalty.
- Sec. 642. Shoddy—Disinfection, etc.
- Sec. 643. Penalty.
- Sec. 648. Delivery and deposit of drugs, etc., on doorsteps.
- Sec. 649. Penalty.
- Sec. 654. Pollution of water in public water works.
- Sec. 659. Use of water wells.
- Sec. 664. Cleaning and disinfection of street cars, etc.
- Sec. 669. Mattresses, making, remaking and sale.
- Sec. 670. Certificate required.
- Sec. 671. Inspection of premises.
- Sec. 672. Renewal and revocation of certificates.
- Sec. 673. Department of Public Health to make regulations.
- Sec. 674. Definition of terms.
- Sec. 675. Renovated or remade mattresses.
- (a) Material from hospitals, shoddy, etc., to be sterilized.
  - (b) Used or second-hand mattress—Disinfection tag required.
  - (c) Prohibition.
  - (d) Materials, etc., tag required.
  - (e) Regulating sale in bulk by junk dealers or others.
    - (1) Use of terms.
    - (2) Materials used.
    - (3) Form of statement.
    - (4) Removal, etc., of tags.
- Sec. 676. Unit for a separate offense.
- Sec. 677. Penalty.
- Sec. 682. Return of certain merchandise prohibited.
- Sec. 683. Penalty.
- Sec. 688. Use of common cigar cutter prohibited.
- Sec. 689. Penalty.
- Sec. 694. Wiping rags.
- (a) Materials and cleaning thereof.
  - (b) Definition.
  - (c) Sterilization.
  - (d) Use of premises.
  - (e) Labels.
  - (f) Imported wiping rags.
  - (g) Inspection, etc.
- Sec. 695. Permit required—Enforcement.
- Sec. 700. Use of hydrocyanic gas, etc.
- Sec. 701. Permits.
- (a) Application, etc.
  - (b) Fees for permits.
  - (c) Special permits.
  - (d) Rules and regulations.
- Sec. 706. Salvaged goods and merchandise—Definitions.
- Sec. 707. Permits, etc.

- (a) Applications.
- (b) Investigation of applicants.

Sec. 708. Duty of Director.

- (a) Inspection and cost thereof.
- (b) Examination of goods and payment of cost thereof.
- (c) Exception.
- (d) Economic poisons.
- (e) Quarterly fee.

Sec. 709. Authority to make rules, etc.

Sec. 714. Certificate of sanitation.

Sec. 715. Cost of inspection.

Sec. 716. Exemption.

Sec. 717. Burial permits.

Sec. 719. Deposit in advance.

Sec. 720. Delinquent fees.

Sec. 721. Place of payment.

Sec. 722. Fees for Abstract of Medical History or Proof of Death.

**SEC. 635. Cigar Factories.** (a) **Establishment, Etc.** It shall be unlawful for any person or persons to establish, maintain or carry on the business of a cigar factory, where cigars or other articles of tobacco are made, within the limits of the City and County of San Francisco, without having first complied with the conditions hereinafter specified.

(b) **Requirements for Certificate, Etc.** It shall be unlawful for any person or persons to conduct or maintain a cigar factory within the City and County of San Francisco without having first obtained a certificate signed by the Director of Public Health of said city and county that the premises are properly and sufficiently ventilated, and that all proper arrangements for carrying on the business without injury to the sanitary condition of the neighborhood have been complied with and particularly that all ordinances of the Board of Supervisors have been complied with.

It shall be the duty of the Director of Public Health upon application from any person or persons proposing to open or conduct the business of a cigar factory within the limits of the City and County of San Francisco, to inspect the premises on which it is proposed to carry on such business, or in which said business is being carried on, with a view of ascertaining whether the said premises are provided with proper drainage and sanitary appliances; also, whether the provisions of all ordinances of the Board of Supervisors relating thereto have been complied with, and, if found in all respects satisfactory, then to issue to said applicants the certificate provided for in this section.

(c) **Use of Premises, Etc.** No person or persons engaged in the cigar business within the limits of the City and County of San Francisco shall permit any person suffering from any contagious or infectious disease to work, sleep, lodge or remain within or upon the premises used by him, her or them, for the purpose of a cigar factory.

(d) **Prohibitions.** (1) No person or persons engaged in the cigar business within the limits of the City and County of San Francisco shall permit the introduction of or the smoking of opium within or upon the premises used by him, her or them, for the purpose of a cigar factory.

(2) It shall be unlawful for any person or persons owning or employed in any cigar factory in the City and County of San Francisco to sleep or cook in the rooms wherein cigars are manufactured or prepared for use.

(3) It shall be unlawful for any person or persons owning or employed in any cigar factory in the City and County of San Francisco to place between the lips or in the mouth the ends of cigars or other parts thereof for the purpose of moistening or biting the same, or for the purpose of otherwise improving their appearance.

(4) It shall be unlawful for any person or persons owning or employed in any cigar factory in the City and County of San Francisco to spray tobacco or otherwise moisten it by means of water emitted from the mouth or by appliances whereby the water is expelled by means of the mouth.

(5) It shall be unlawful for any person or persons owning or employed in any cigar factory in the City and County of San Francisco to expectorate upon the floors of such rooms wherein cigars are manufactured or prepared for use.

(6) It shall be unlawful for any person or persons owning or employed in the cigar manufacturing business within the limits of the City and County of San Francisco to dry tobacco previously moistened upon floors or upon stands possessing a tendency to contaminate or injuriously affect the condition thereof, but upon clean cloths provided for the purpose and stretched over wooden frames, or upon such other contrivances previously approved by the Director of Public Health.

**SEC. 636. Display of Certificate.** The certificate from the Director of Public Health, as required by Section 635, shall be exhibited in some conspicuous place on the premises, and same shall be produced on the demand of any officer of the City and County of San Francisco.

**SEC. 637. Enforcement.** The Director of Public Health is hereby directed to have the provisions of Sections 635 and 636 of this Article strictly enforced.

**SEC. 638. Penalty.** Any person or persons establishing, maintaining or carrying on the business of a cigar manufactory wherein cigars are manufactured or prepared for use, within the limits of the City and County of San Francisco, without having complied with the provisions of Sections 635 and 636 of this Article, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than One Hundred (\$100.00) Dollars or by imprisonment of not more than six (6) months, or by both such fine and imprisonment.

**SEC. 642. Shoddy—Disinfection, Etc.** It shall be unlawful for any person, firm or corporation to use any material in the manufacture of shoddy or cause the same to be used unless such material shall first be disinfected by formaldehyde gas under pressure of at least fifty (50) pounds or steam of at least three hundred and twenty (320°) degrees Fahrenheit, in an air-tight room or chamber.

All machinery used in the manufacture of shoddy and all factories, warehouses, stores or other buildings or enclosures wherein shoddy is manufactured, produced or stored, or sold or exposed for sale, and every factory, warehouse, store or other building or enclosure wherein the raw materials used in the manufacture of shoddy are collected, stored, sold or exposed for sale, shall be at all times subject to the inspection of the Department of Public Health or the officers thereof.

No person, firm or corporation shall hereafter establish or maintain any factory, store or warehouse for the manufacture, sale or storing of shoddy without first applying to and obtaining from the Director of Public Health a permit to establish and maintain the same.

All shoddy manufactured without the City and County of San Francisco and brought within the said city and county shall, before being sold or exposed for sale or stored in any factory, warehouse, storeroom or enclosure in this city and county, be disinfected by formaldehyde gas, under pressure of at least fifty (50) pounds, or steam of at least three hundred and twenty (320°) degrees Fahrenheit, in an air-tight room or chamber.

**SEC. 643. Penalty.** Every person, firm or corporation violating the provisions of Section 642 of this Article, or neglecting or refusing to comply with the same, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than Twenty-Five (\$25.00) Dollars and not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a period of not less than five (5) days or more than six (6) months, or by both such fine and imprisonment.

**SEC. 648. Delivery and Deposit of Drugs, Etc., on Door Steps.** No person, firm or corporation, by him or themselves, his or their servant or agent, or as the servant or agent of any person, firm or corporation, shall leave, throw or deposit upon the doorstep or premises owned or occupied by another, or deliver to any child under fourteen (14) years of age, any patent or proprietary medicine, or any preparation, pill, tablet, powder, cosmetic, disinfectant or antiseptic, or any drug or medicine that contains poison, or any ingredient that is deleterious to health, as a sample, or in any quantity whatever for the purpose of advertising.

The term drug, medicine, patent or proprietary medicine, pill, tablet, powder, cosmetic, disinfectant or antiseptic used in this section shall include all remedies for internal or external use, either in package or bulk, simple, mixed or compounded.

**SEC. 649. Penalty.** Any person, firm or corporation violating any of the provisions of Section 648 of this Article, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined a sum not exceeding One Hundred (\$100.00) Dollars nor less than Twenty-Five (\$25.00) Dollars or by imprisonment in the County Jail for a term not exceeding one hundred (100) days nor less than thirty (30) days, or by both such fine and imprisonment.

**SEC. 654. Pollution of Water in Public Water Works.** It shall be unlawful for any person to put or place in or on or to allow to run into or on any public reservoir, or the bank, border or margin thereof, or into any water pipe, aqueduct, canal, stream or excavation therewith connected, any animal, vegetable or mineral substance; or to do, perform or commit any act or thing which will pollute the purity and wholesomeness of any water intended for human consumption.

**SEC. 659. Use of Water Wells.** It shall be unlawful for any person, firm or corporation to maintain or use any well for the purpose of drawing therefrom water intended for drinking purposes without first obtaining from the Department of Public Health a permit so to do; or to use any well after notice from said Department to close or fill it.

Whenever it shall appear to the satisfaction of the Department of Public Health that any well, the water of which is used for domestic purposes, has become polluted, or in anywise rendered unsafe for domestic or drinking purposes, or has become otherwise prejudicial to health or dangerous to life, said Department of Public Health shall give to the owner or his agent, lessee, tenant or other person in charge of such well, written notice to close and to fill it within a time to be specified in such notice. If such notice be not complied with, the Department of Public Health shall cause such well to be closed and filled up at the cost and expense of the owner thereof.

**SEC. 664. Cleaning and Disinfection of Street Cars, Etc.** Every person, company or corporation operating street railway passenger cars within the limits of the City and County of San Francisco in which passengers are carried shall thoroughly wash each car, when so operated, at least once a week, and shall also carefully sweep and clean each of said cars daily.

Whenever required in writing by the Department of Public Health, all persons, companies or corporations operating street railway passenger cars within the limits of said city and county shall thoroughly disinfect each street railway passenger car so operated by spraying said cars with an efficient disinfectant.

**SEC. 669. Mattresses, Making, Remaking and Sale.** It shall be unlawful for any person, firm or corporation to engage in the making, remaking and sale of mattresses, or the buying or sale of used mattresses except in compliance with the conditions specified in Sections 670 to 677, inclusive, of this Article.

**SEC. 670. Certificate Required.** It shall be unlawful for any person, firm or corporation, or its servants or employees, to maintain or operate within the City and County of San Francisco the business of making or remaking, and sale of mattresses within any building, room, apartment, dwelling, basement or cellar, without having first obtained a certificate, issued by the Department of Public Health and signed by the Director of Public Health of said city and county, that first the premises are in a sanitary condition and that all arrangements for carrying on the business without injury to public health have been complied with, in accordance with the ordinances of the City and County of San Francisco, and second, that the provisions of all regulations made in accord with Section 673 hereof for the conduct of such establishments have been complied with. Said certificate when issued shall be kept displayed in a prominent place on the premises.

**SEC. 671. Inspection of Premises.** It shall be the duty of the Department of Public Health upon application from any person, firm, or corporation desiring to open, conduct or continue any place of business connected with the making, remaking and sale of mattresses, within the limits of the City and County of San Francisco, before issuing the certificate specified in Section 670, to cause the premises on which it is proposed to carry on such business, or in which said business is being carried on or conducted, to be inspected with a view of ascertaining whether said premises are in a sanitary condition for the conduct of said business and comply with the ordinances of the City and County of San Francisco.

**SEC. 672. Renewal and Revocation of Certificates.** The certificate provided for in Section 670 of this Article shall be valid for one (1) year from date of issue. After said period of one (1) year has elapsed a new certificate shall be applied for and issued in the same manner and under the same conditions as the original certificate.

A certificate may at any time be revoked for cause after a hearing by the Department of Public Health.

**SEC. 673. Department of Public Health to Make Regulations.** The Department of Public Health shall from time to time adopt such rules and regulations governing sanitation, disinfection or sterilization as it may deem necessary and proper to give effect to Sections 669 to 677, inclusive, of this Article.

**SEC. 674. Definition of Terms:** (a) The term "mattress" as used in Sections 669 to 670, inclusive, of this Article, shall be construed to mean any quilted pad, comforter, mattress pad, bunk quilt, or cushion, stuffed or filled with wool, hair or other soft material to be used on a couch or other bed for sleeping or reclining purposes.

(b) The term "person" as used in Sections 669 to 677, inclusive, of this Article, shall be construed to include all individuals and all firms or co-partnerships.

(c) The term "corporation" as used in Section 669 to 677, inclusive, of this Article, shall be construed to include all corporations, companies, associations and joint stock associations or companies.

(d) Whenever the singular is used in Sections 669 to 677, inclusive, of this Article, it shall be construed to include the plural; whenever the masculine is used in Sections 669 to 677, inclusive, of this Article, it shall include the feminine and neuter genders.

**SEC. 675. Renovated or Remade Mattresses.** (a) **Material From Hospitals, Shoddy, Etc., to be Sterilized.** No person or corporation, by himself or by his agents, servants or employees, shall employ or use in the making, remaking or renovating of any mattress, any material of any kind that has been used in, or has formed a part of, any mattress used in or about any public or private hospital, or institution for the treatment of persons suffering from disease or for or about any person having any infectious or contagious disease; any material known as "shoddy" and made in whole or in part from old or worn clothing, carpets or other fabric or material previously used, or any other fabric or material from which shoddy is constructed; any material not otherwise prohibited of which prior use has been made; unless any and all of said material has been thoroughly sterilized and disinfected by a reasonable process, approved by the Department of Public Health of the City and County of San Francisco.

(b) **Used or Second-Hand Mattress—Disinfection Tag Required.** No person or corporation by himself or by his agents, servants or employees, shall cause to be renovated, or remade, or buy, sell, offer for sale, or have in his possession with intent to sell, any renovated, or remade, or used or second-hand mattress unless the same has been sterilized and has thereto attached a muslin or linen tag not smaller than three (3) inches square, securely sewed to the covering thereof a statement in the English language setting forth the following facts in type not smaller than twenty (20) point:

This is a (renovated) (used) mattress and has been sterilized with.....

..... (material used) on

..... (day)

..... (month)

..... (year)

by.....  
..... (firm's name)

Department of Public Health Certificate No. ....

(c) **Prohibition.** No person or corporation by himself or by his agents, servants or employees, shall sell, offer to sell, deliver or consign, or have in his possession with intent to sell, deliver or consign any mattress made, remade or renovated in violation of subsections (a) and (b) of this section.

(d) **Materials, Etc., Tag Required.** No person or corporation, by himself or his agents, servants or employees, shall, directly or indirectly, at wholesale or retail, or by public auction, or otherwise, sell, offer for sale, deliver or consign or auction, or have in his possession with intent to sell, deliver or consign, any mattress that shall not have plainly and indelibly stamped or printed thereon, or upon a muslin or linen tag not smaller than three (3) inches square securely sewed to the covering thereof, a statement in the English language setting forth the kind or kinds of materials used in filling the said mattress, and whether the same are in whole or in part, new or old, or second-hand or shoddy, and the name and address of the manufacturer or vendor thereof, or both together with the tag required in subsection (b) of Section 675.

(c) **Regulating Sale in Bulk by Junk Dealers or Others.** It shall be unlawful for junk dealers or any person or corporation by himself or his agents, servants or employees, to sell or offer for sale, deliver or consign, or have in his possession with intent to sell, deliver or consign, any material which has been previously used or formed a part of any mattress unless the same has been sterilized in a manner satisfactory to the Department of Public Health.

(1) **Use of Terms.** Whenever the word "felt" as applied to cotton is used in the said statement concerning any mattress it shall be designated in said statement whether said felt is "felted cotton" or "felted linters."

It shall be unlawful to use in the said statement concerning any mattress the word "floss" or words of like import, if there has been used in filling said mattress any materials which are not termed as "Kapok."

It shall be unlawful to use in said statement concerning any mattress the word "hair" unless said mattress is entirely manufactured of animals' hair.

It shall be unlawful to use in the description in the said statement any misleading term or designation, or term or designation likely to mislead.

(2) **Materials Used.** Any mattress made from more than one new material shall have stamped upon the tab attached thereto the percentage of each material so used.

Any mattress made from any material of which prior use has been made shall have stamped or printed upon the tag attached thereto in type not smaller than twenty (20) point the words "second-hand material."

Any mattress made from material known as "shoddy" shall have stamped or printed upon the tag attached thereto in type not smaller than twenty (20) point the words "shoddy material."

(3) **Form of Statement.** The statement required under Section 675 of this Article shall be in the following form:

#### Materials Used in Filling

Vendor.....

Address.....

This Article is made in compliance with Sections 669 to 677, inclusive, of Article 12 of Chapter V of the San Francisco Municipal Code.

(4) **Removal, Etc., of Tags.** Any person who shall remove, deface, alter, or in any manner attempt the same, or shall cause to be removed, defaced, or altered, any mark or statement placed upon any mattress under the provisions of this section and Section 676 of this Article shall be guilty of a violation of said sections.

**SEC. 676. Unit for a Separate Offense.** The unit for a separate and distinct offense in violation of Sections 669 to 676 inclusive, of this Article shall be each and every mattress made, remade, renovated, sold, offered for sale, delivered, consigned, or possessed with intent to sell, deliver or consign, contrary to the provisions hereof.

**SEC. 677. Penalty.** Any person or corporation violating the provisions of Sections 669 to 677, inclusive, of this Article, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty (\$20.00) Dollars and not to exceed One Hundred (\$100.00) Dollars for each

offense, or by imprisonment for not less than three (3) months and not exceeding six (6) months or by both such fine and imprisonment.

**SEC. 682. Return of Certain Merchandise Prohibited.** It is unlawful for any person, firm or corporation engaged in the sale at retail of the following articles of merchandise, to-wit:

- (a) Mattresses, blankets, sheets, comforters, pillows and other bedding.
- (b) Heating pads and metal hot water bottles, stockings made of rubber, reducing rollers, water bags and other rubber goods.
- (c) Combs, hair brushes, tooth brushes, barettes, bath brushes, powder puffs, lipsticks, compacts, broken packages of powder, creams, rouges.
- (d) Corsets, brassieres, underwear, union suits, bloomers, bathing suits.
- (e) Articles made of hair, and veils.

To accept from the purchaser any of the above articles once delivery is effected, provided that this section shall not be construed to prohibit the return of articles misfitting or defective in their construction, which shall be disinfected before being offered for resale.

**SEC. 683. Penalty.** Any person, firm or corporation violating any of the provisions of Section 682 of this Article, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than One Hundred (\$100.00) Dollars or by imprisonment in the County Jail for a period not exceeding thirty (30) days, or by both such fine and imprisonment.

**SEC. 688. Use of Common Cigar Cutter Prohibited.** The use of the common cigar cutter on any stand or in any cigar store or other place where cigars are sold or offered for sale, or the furnishing of such common cutter for use of patrons or the public is hereby prohibited.

**SEC. 689. Penalty.** Any person, firm or corporation violating the provisions of Section 688 of this Article, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Ten (\$10.00) Dollars and not to exceed Twenty-Five (\$25.00) Dollars, or by imprisonment in the County Jail for not more than twenty-five (25) days or by both such fine and imprisonment.

**SEC. 694. Wiping Rags. (a) Materials and Cleaning Thereof.** It shall be unlawful for any person, firm or corporation to sell or offer for sale, soiled clothes or rags, or soiled or disused or cast-off underclothing, garments, bedding, bedclothes or parts thereof for use as wiping rags unless the same have been cleansed and sterilized by a process of boiling continuously for a period of forty (40) minutes in a solution containing at least five (5%) per cent of caustic soda.

It shall be unlawful for any person, firm or corporation employing mechanics, workmen or laborers to furnish or supply such employees for use as wiping rags, soiled clothes or rags, or soiled or disused or cast-off underclothing, garments, bedclothes, bedding or parts thereof unless the same have been cleansed and sterilized in the manner herein prescribed.

(b) **Definition.** Wiping rags within the meaning of this section are cloths and rags used for wiping and cleaning the surfaces of machinery, machines, tools, locomotives, engines, motor cars, automobiles, cars, carriages, windows, furniture and surfaces of articles, in factories, shops, steamships and steamboats, and generally in industrial employments; and also used by mechanics and workmen for wiping from their hands and bodies soil incident to their employment.

(c) **Sterilization.** All soiled clothes and rags and soiled and disused and cast-off underclothing, garments, bedclothes, bedding and parts thereof, before being offered for sale, or sold or furnished for use as wiping rags must be subjected to a process of sterilizing approved by the Director of Public Health of the City and County of San Francisco, including the process of boiling for a period of forty (40) minutes in a solution of caustic soda mentioned in this section. Before washing, all sleeves, legs and bodies of garments must be ripped and opened and all garments made into flat pieces.

(d) **Use of Premises.** It shall be unlawful for any person, firm or corporation to wash, cleanse, sterilize, or dry, disused or cast-off clothing, garments, underclothing, bedclothes, bedding or parts thereof, or soiled cloths or rags in the same building or by the same machines or appliances by which clothing, bedding, or other articles for personal or household use are laundered.

(e) **Labels.** Each package or parcel of wiping rags must before being sold be plainly marked "Sterilized Wiping Rags," with the number and date of the certificate given by the Director of Public Health of the said city and county for the conducting of a laundry in which the rags contained in such package or parcel were cleansed and sterilized or with the name and location of the laundry in which said rags were cleansed and sterilized.

(f) **Imported Wiping Rags.** Wiping rags imported into this city and county from other cities, counties or states, shall not be used, sold or offered for sale, unless they have been cleansed and sterilized as herein required, or unless such imported rags are inspected by the Director of Public Health, and a certificate given by him that such rags have been inspected and cleansed and sterilized as required by this section.

(g) **Inspection, Etc.** The Director of Public Health shall inspect all wiping rags and give a certificate to that effect when the rags inspected have been cleansed and sterilized as required by this section. Such certificate shall also state the date of inspection, the quantity and number of parcels inspected, the name of the owner and the place where the wiping rags were cleansed and sterilized.

All persons having wiping rags in their possession for sale or for use shall, upon demand of any officer of the Department of Public Health or any police officer, exhibit such wiping rags for inspection and give all information as to where and from whom said wiping rags were obtained.

**SEC. 695. Permit Required—Enforcement.** It shall be unlawful for any person, firm or corporation to establish or maintain a laundry for cleaning or sterilizing wiping rags or soiled clothes or rags or soiled and disused or cast-off clothing, garments, underclothing, bedclothes, bedding or parts thereof, within the limits of the City and County of San Francisco, without having first complied with Section 354 of Article 7 hereof, regulating the conducting of public laundries and obtain a permit therefor as required by Section 695 of this Article. No person, firm or corporation shall engage in the business of laundering, cleaning or sterilizing cloths or material for wiping rags, or selling wiping rags without a permit therefor from the Department of Public Health. Such permit shall be granted as of course on the first application, and may be revoked by the Department of Public Health for violation by the holder of any of the provisions of Section 694 of this Article. Subsequent permits to a person, firm or corporation in place of a permit revoked may be granted or refused at the discretion of the Department. The Department of Public Health shall keep a register of all persons engaged in laundering, cleaning, sterilizing or selling wiping rags, and shall enter therein the place of business, the date of issue and the revocation of permit.

The police authorities are hereby directed to enforce the provisions of Sections 694 and 695 of this Article.

**SEC. 700. Use of Hydrocyanic Gas, Etc.** No person, firm or corporation shall use within the City and County of San Francisco, hydrocyanic gas, cyanogen or chloropicrin, or any other poisonous, noxious or dangerous gases or fumes which are dangerous to the life or health of human beings, for the purpose of fumigating, without first obtaining a permit from the Director of Public Health so to do.

Provided, however, that nothing in this section or Section 701 of this Article shall be construed to apply to any fumigations on property of the State of California, or to mandatory fumigations under the supervision of any department of the State of California, or U. S. government.

Provided, further, that fumigations with poisonous gases conducted in warehouses on property other than that of the State of California shall be so conducted as to comply with the safety measures approved by the Department of Public Health, and the person, firm or corporation responsible for such fumigation shall notify the Bureau of Fire Prevention and Public Safety of the San Francisco Fire Department as to the exact location of said fumigation, and the time that said fumigation is to take place.

**SEC. 701. Permits.** (a) **Application, Etc.** Any person, firm or corporation engaged in any business or calling, or who may hereafter engage in any business or calling, and who may desire to continue in said business or calling, where hydrocyanic acid gas, cyanogen or chloropicrin or any other poisonous, noxious or dangerous gases or fumes dangerous to the life or health of human beings are used shall make written application to the Director of Public Health; shall provide and shall set forth the name of the person, firm or corporation engaged in the use of or who



is desirous of using said gas; the particular character of gas used or to be used, the purposes and place where the same is used and the probable amount thereof which will be used during the existence of said permit, and the name of the person or persons who will have direct charge of the use of said gas. Before issuing any permit for the use of said gas, the Director of Public Health shall himself or through such person or persons as he may designate for that purpose, inquire into the training, experience, character, reputation and general character of the applicant for said permit and of the person or persons who are to have direct charge of the use of said gas; and for the purpose of ascertaining the training, experience, character, reputation and qualification of either said applicant or said person who has, or is to have, direct charge of the use of said gas, the Director of Public Health, or his representatives, may cause said applicant or said persons to appear before him, or them, and propound to said applicant, or to said persons, such questions as will show the training, experience, qualifications, character and reputation of said applicant, or of said persons, in regard to the use of said gas, and the regulations governing said use. The Director of Public Health shall have full power and authority to refuse to grant any permit for the use of said above-mentioned gas should he ascertain or determine that the manner in which said gas is to be used, or the place where it is to be used, is dangerous to life or health, or the person under whose direction it is to be used has not sufficient training, experience, character and reputation so that the use of said gas can be entrusted to said person without danger, or probability of danger, to the lives of human beings.

Every permit issued under authority of this section shall state the place where said gas is to be used, the character thereof and the probable amount thereof to be used, and the name or names of the person, firm or corporation authorized to use the same, and the name or names of the person or persons in direct charge of said use; provided, however, that when a permit is issued to any person, firm or corporation engaged in the general business of fumigating at places other than a fixed place of business, said permit need not specify the various places where said gas is to be used. Any permit so issued shall remain in force for a period not exceeding one (1) year from the date thereof; provided, however, that the Director of Public Health may issue a permit for a shorter period if the same is requested in said application for said permit.

(b) **Fees for Permits.** Every person, firm or corporation making application for a permit under the provisions of this section shall accompany said application with a fee of Ten (\$10.00) Dollars, and every person, firm or corporation making application for the renewal of any such permit shall accompany said application with a fee of Five (\$5.00) Dollars, which said fees are hereby fixed as the cost of investigating the matter of the issuing or renewing of said permits, and shall not be returnable in the event that said permits are not issued or renewed. All applications for a renewal of any permit shall contain all of the information required for an original permit.

(c) **Special Permits.** Any person, firm or corporation engaged in the business of fumigation, which said fumigation is to take place at any place other than the place of business of the person, firm or corporation holding a permit under this section, shall, at least twelve (12) hours before generating or releasing any of the gases mentioned in Sections 700 and 701 of this Article for fumigation purposes outside of his, or its, fixed place of business, make application to the Director of Public Health for a permit to so do, which said application shall state the location of the building or enclosed space to be fumigated and the day and hour when such fumigation shall be commenced, and the name of the person or persons who will be in direct charge of said fumigation. If the person, firm or corporation making application for said permit provided for in this section has already received a permit under the provisions of this section, which will authorize him to carry on the business of fumigation outside of a fixed place of business, and the person or persons in charge of said fumigation have been approved by the said Director of Public Health, a special permit to generate or release said gas for fumigation purposes at the place indicated in said application shall be issued by the said Director of Public Health upon the payment of a fee to be computed as follows: At the rate of Two and 20/100 (\$2.20) Dollars per hour of inspector's time or fraction thereof incident to each inspection. Upon filing the application a deposit of Ten (\$10.00) Dollars shall be made by the applicant with the Director of Public Health. Upon completion of the work for which a permit has been issued, there shall be an additional charge against or a refund to the permittee, dependent on the work actually done, inspected and approved. Such permit shall be kept on the premises to be fumigated, and should the applicant therefor be unable to do the work on the day and hour

set forth in said permit, he shall notify the Director of Public Health at least six (6) hours prior to said time, and thereupon the Director of Public Health shall specify a new time for the fumigation of the premises or space specified in said permit.

(d) **Rules and Regulations.** The Director of Public Health shall have power to make and enforce all reasonable rules and regulations for carrying out the purposes of this section which are not in conflict therewith.

**SEC. 706. Salvaged Goods and Merchandise—Definitions.** For the purposes of this section and Sections 707 to 709, inclusive, of this Article, the term "salvaged goods and merchandise" is hereby defined as follows:

"Any article of food or any article which may be used for food by human beings or by animals, or any chemical or other substance which may be added to food or to foodstuffs, alcoholic beverages, or any drug or compounded drugs, medicines, toilet articles, cosmetics, lotions, liniments or similar articles, or any commodity, powder, liquid or solid compound or mixture used or to be used in and about any home, household, hotel, apartment house, or dwelling for cleaning, disinfecting or deodorizing purposes, including insecticides and similar articles, or tobacco or tobacco products, when the packages, cans, cartons or other containers in which the individual containers of said articles are packed for shipment or sale are damaged, torn, broken, swollen, wet, burned or rusted, or where the individual containers of said articles are damaged, torn, broken, swollen, wet, burned or rusted, or where the labels on the individual containers of any such article are defaced so that the name of the manufacturer or packer originally appearing on said label cannot be ascertained."

The term "person" as used in this section and in Sections 707 and 709, inclusive, of this Article shall mean any individual, association of individuals, copartnership or corporation.

A "dealer" in salvaged goods and merchandise is hereby defined to be a person who, either exclusively or in connection with any other business, buys, sells, distributes or deals in salvaged goods and merchandise, and who is the holder of a permit from the Director of Public Health so to do; provided, however, that persons selling salvaged goods or merchandise to salvage "dealers" as well as those who purchase the same from salvage "dealers" and sell same directly to the retail trade, shall not be considered "dealers" in salvaged goods and merchandise.

**SEC. 707. Permits, Etc.** No person shall engage in the business of selling or distributing salvaged goods or merchandise, as defined in Section 706 of this Article, in the City and County of San Francisco, nor shall any person sell or distribute, or offer for sale or distribution, any salvaged goods or merchandise in said city and county without first obtaining a permit to so do from the Director of Public Health.

(a) **Applications.** Applications for such permits shall be upon blanks provided by the Department of Public Health and shall state the name of the person applying for same, the general character of salvaged goods or merchandise which will be dealt in, sold or distributed, and the place where said business is to be carried on, and if said applicant is not regularly engaged in the business of dealing in salvaged goods and merchandise, then the place where the sale or distribution of said salvaged goods and merchandise shall take place, as well as the place where the said salvaged goods and merchandise are stored and the general character thereof. A fee of Ten (\$10.00) Dollars shall accompany each application for any permit to engage in the business of selling or distributing salvaged goods or merchandise, said fee to be retained by the city irrespective as to whether said permit is granted or not; provided, however, that nothing contained in this section or in Sections 706, 708 and 709 of this Article shall prevent a person who is not a salvage "dealer" as defined in Section 706 of this Article and who is the owner or custodian of any salvaged goods or merchandise from selling or distributing the same if said salvaged goods or merchandise are inspected by the Department of Public Health and a permit for the sale and distribution thereof is issued by said Department; the cost of said inspection to be paid by the person requesting said permit before the same is issued at the rate of Two (\$2.00) Dollars per hour.

(b) **Investigation of Applicants.** The Director of Public Health, before issuing any permit to any person to engage in the business of selling or distributing salvaged goods or merchandise, shall make an investigation of the character of the applicant, his methods of storing, handling and receiving said salvaged goods and merchandise, and shall exercise his sound discretion in granting or refusing to grant said permit, and if said permit is requested by a person not regularly engaged in the business of dealing in salvaged goods or merchandise, the said Director of Public Health shall investigate the condition of said salvaged goods or merchandise to be sold or distributed by said person, and if he finds that said salvaged goods or merchandise are in such condition that the same may be used for the purpose for which they were manufactured or packed, he may issue a permit for the sale and distribution of the same.

Any person not regularly engaged in the business of selling or disposing of salvaged goods or merchandise and who is the owner of, or has under his control any such goods or merchandise, may sell or dispose of the same to any person who is a "dealer" as defined in Section 706 of this Article, and any person who shall receive salvaged goods or merchandise from any "dealer," or from any person having a permit to sell the same, need not obtain any additional permit for the purpose of selling or distributing the same to the general public, provided that the said salvaged goods or merchandise have been inspected by the Department of Public Health.

**SEC. 708. Duty of Director.** (a) **Inspection and Cost Thereof.** It shall be the duty of the Director of Public Health, through his duly authorized representatives, to inspect from time to time all places where salvaged goods and merchandise are sold, kept or distributed, and whenever it shall be found that said salvaged goods and merchandise, or any part thereof are unfit for the purposes for which they were manufactured or packed, or for which they are being offered for sale, to cause the same to be destroyed as constituting a public nuisance, and the cost of such destruction shall be a charge against the person in whose possession said unfit salvaged goods or merchandise may be found and the amount of said cost shall be payable to the Director of Public Health for the city and county upon demand.

(b) **Examination of Goods and Payment of Cost Thereof.** All inspections made by the Director of Public Health pursuant to the provisions of this section shall consist in such examination of any salvaged goods and merchandise as will determine their fitness for any of the purposes for which they are sold, offered for sale, or to be sold, and when in the opinion of the Director of Public Health it is necessary to analyze any sample of any salvaged goods or merchandise, said Director of Public Health or his agents may take such article or such portion thereof as may be necessary to determine said fitness, and said determination may be made by laboratory or such other tests as the Director of Public Health shall deem proper. Pending the determination of said tests, the Director of Public Health may prohibit the sale or distribution or removal of any part of said salvaged goods or merchandise which are subject to said examination. The cost of all inspections and examinations shall be paid by the owner or custodian of said salvaged goods or merchandise, and the failure to pay such sum upon demand shall be sufficient ground to revoke said owner's or custodian's permit to deal in such goods and merchandise, and if said owner or custodian be not a salvage "dealer," the Director of Public Health shall not issue a permit for the sale or distribution of said goods or merchandise until the fee covering such inspection, examination or analysis has been paid.

(c) **Exception.** Salvaged goods and merchandise which have been inspected pursuant to the provisions of Sections 706 to 709, inclusive, of this Article, or purchased from a salvage "dealer" and which are resold by the purchaser thereof directly to the public shall not be subject to reinspection, nor shall the dealer in such articles be required to obtain a permit to resell the same except in so far as said goods may be subject to inspection or license to sell the same by any other law or ordinance.

(d) **Economic Poisons.** Where economic poisons form a part of any salvaged goods or merchandise, such economic poisons shall be disposed of only in accordance with the provisions of Sections 1065 and 1066 of the Agricultural Code of the State of California.

(e) **Quarterly Fee.** For the purpose of meeting the cost of regulation and inspection, dealers in salvaged goods and merchandise who are holders of valid

permits issued as provided in Section 707 of this Article, shall pay to the Tax Collector a fee of Twenty-five (\$25.00) Dollars per quarter, commencing March 1, 1936. Upon the payment of said fee the Tax Collector shall issue to said person paying the same a receipt showing said payment, which said receipt shall be conspicuously displayed in the place of business of said dealer. Failure to pay said quarterly fee within the time provided by law shall ipso facto revoke any permit issued as provided in Section 707 hereof.

Dealers in salvaged goods and merchandise paying the quarterly fee provided for shall, in so far as their activities are confined to salvaged goods and merchandise as hereinabove defined, be exempt from the provisions of Part III of the Municipal Code relating to licenses, permit or inspection fees.

**SEC. 709. Authority to Make Rules, Etc.** The Director of Public Health shall make such rules and regulations regarding the sale, distribution, storing, handling and possession of any salvaged goods or merchandise as he shall deem proper to carry into effect and to accomplish the purposes of Sections 706 to 709, inclusive, of this Article and to prevent the contamination of said goods and merchandise, or to prevent the same being sold or distributed in such a manner as might be dangerous or injurious to the health or safety of any person, and when said rules are so made they shall be as effective as if the same were a part of Sections 706 to 709, inclusive, of this Article.

Any permit granted pursuant to the provisions of Section 707 of this Article may be suspended by the Director of Public Health and after notice to the holders thereof may be revoked by said Director for any violation of Sections 706 to 709, inclusive, of this Article, or for the violation of any rules or regulations of said Director made under authority of Section 708 of this Article, or for the violation of any law, rule or regulation of the State of California or of the City and County of San Francisco, relative to the sale, keeping or distribution of any article coming within the definition of salvaged goods or merchandise.

**SEC. 714. Certificate of Sanitation.** Whenever, by the provisions of an ordinance of the City and County of San Francisco, the Department of Public Health or Director of Public Health, or any employee of such Department, is authorized to make an inspection of any premises or thing for the purpose of promoting sanitation, the said Department of Public Health in all cases where the premises or thing inspected is found to be sanitary and to conform to the laws and regulations respecting the same, shall issue a certificate of sanitation and inspection thereof. Unless otherwise provided herein, said certificate shall be valid for the period of one (1) year, and shall be renewable annually following a new inspection. Such certificate may be revoked in case such premises or thing, or method of handling articles of foodstuffs, shall be insanitary or shall not conform to the laws and regulations governing the same.

**SEC. 715. Cost of Inspection.** For the purpose of defraying the cost of making such inspection and issuing the certificate provided for in Section 714 of this Article, a fee of Five (\$5.00) Dollars is hereby imposed and shall be collected by the Department of Public Health prior to the issuance of such certificate. The inspection and issuance of certificates therefor shall include cigar factories, places for the sale and storage of shoddy, vehicles for the transportation of manure, stable refuse or garbage, laundries, places used for the handling, manufacturing or sale of foodstuffs (except as herein otherwise provided for), slaughter houses and any other business, premises or goods, inspection of which may be hereafter provided by law.

**SEC. 716. Exemption.** No person, firm or corporation handling candy or chewing gum in sealed packages or glass jars as a side line to their business, and where the retail value of this candy or chewing gum does not exceed Twenty (\$20.00) Dollars, and where no other articles of food or drink are dispensed, shall be charged the fee described in Section 715 of this Article.

**SEC. 717. Burial Permits.** For the permit required to be issued for the removal of dead human bodies or disinterred human remains, the Department of Public Health shall collect in advance of the issuance thereof the sum of One (\$1.00) Dollar; provided, however, that no fee shall be collected for the removals from legally closed cemeteries.

**SEC. 719. Deposit in Advance.** In any case the Department of Public Health may require a deposit in advance of any inspection in such sum as said Department of Public Health may estimate to be sufficient to cover the amount of the

fee liable to be imposed therefor, which deposit or sum remaining thereof shall be returned to the depositor upon the failure to issue a permit or upon the expiration of the permit and the payment of all fees therefor.

**SEC. 720. Delinquent Fees.** No person, firm or corporation shall receive the certificate of sanitation and inspection as provided in Section 714 of this Article until all fees that have accrued under Part III of the Municipal Code relating to licenses, permits or inspection fees have been paid.

**SEC. 721. Place of Payment.** All inspection fees are payable when due at the office of the Department of Public Health, and if not paid within thirty (30) days after the same becomes due, ten (10%) per cent shall be added thereto as a penalty for non-payment, and fifteen (15%) per cent shall be added after the expiration of sixty (60) days after becoming due and twenty-five (25%) per cent shall be added at the expiration of ninety (90) days.

**SEC. 722. Fees for Abstract of Medical History or Proof of Death.** (a) The Director of Public Health of the City and County of San Francisco is hereby authorized to charge the following fees to defray the cost of issuance of the following mentioned documents and any person requesting said documents shall pay the fees herein specified, to-wit:

1. Abstract or Brief Statement of Medical History or data for insurance or legal purposes..... \$1.00  
(But not less than 20¢ per folio.)
2. Proof of Death for insurance purposes..... \$1.00

(b) All fees received by the Director of Public Health in payment of the issuance of the documents mentioned in subsection (a) hereof shall be deposited with the Treasurer of the City and County of San Francisco, to the credit of the general fund.

(c) City and county officials and departments shall not be subject to the provisions of this section when any of the aforesaid records or documents are for the official use of their respective departments.

## ARTICLE 13

### POULTRY AND POULTRY DEALERS

Sec. 775. Definitions.

Sec. 776. Inspection service authorized—Rules and regulations to be adopted.

Sec. 777. Inspectors and inspection.

Sec. 778. Certain acts prohibited—Exception.

Sec. 779. Imported poultry, place of inspection of.

Sec. 780. Unfit poultry, disposal of.

Sec. 781. Poultry, eviscerated, etc., displayed, etc., when.

Sec. 782. Poultry, eviscerated, etc., upon request.

Sec. 783. Certain poultry may be displayed, etc.—Conditions.

Sec. 784. Application for permit.

Sec. 785. Application, form of.

Sec. 786. Application, proceedings on.

(a) Investigation by Director.

(b) Reference to City Planning Commission.

(c) Notice of disapproval.

(d) Correction of conditions.

(e) Permit upon conditions corrected.

(f) Application, time for action on.

(g) Permit, numbering and expiration of.

Sec. 787. Classification of permits.

Sec. 788. Permit to Tax Collector.

Sec. 789. License, form of.

Sec. 790. License fee for less than fiscal year.

Sec. 791. Application for renewal.

Sec. 792. Permit and license not transferable without permission of the Director.

- Sec. 793. No refund of fees.  
Sec. 794. Posting of license and permit.  
Sec. 795. Authority to revoke permit.  
Sec. 796. Method of collecting and accounting.  
Sec. 797. Exemption as to fees.  
Sec. 798. Hours of business.  
Sec. 799. Repeal.  
Sec. 800. Non-waiver of debts due and unpaid.  
Sec. 801. Saving clause.

**SEC. 775. Definitions.** As used in Sections 776 to 801, inclusive, of this Article, the following words shall have the following respective meanings:

“Department” shall mean the Department of Public Health of the City and County of San Francisco;

“Director” shall mean the Director of Public Health of the City and County of San Francisco;

“Person” shall mean any corporation, association, syndicate, joint stock company, partnership, club, Massachusetts business or common law trust, society or individual;

“Poultry” shall mean and include fowl, hares and rabbits, or any portion of the carcasses thereof;

“Dressed poultry” shall mean the carcass of any poultry prepared for market;

“Local dressed poultry” shall mean dressed poultry prepared for market within the boundaries of the City and County of San Francisco;

“Imported dressed poultry” shall mean dressed poultry prepared for market outside the boundaries of the City and County of San Francisco, and which is shipped, carried or brought into the said city and county;

“First place of rest” shall mean the point at which live or dressed poultry is delivered by the person transporting or carrying same into the City and County of San Francisco;

“Wholesale” shall mean the selling or delivering or offering for sale or delivery of poultry for the purpose of resale.

“Retail” shall mean the selling or delivering or offering for sale or delivery of poultry to the ultimate consumer;

**SEC. 776. Inspection Service Authorized—Rules and Regulations to be Adopted.** The Director is hereby authorized to inaugurate an inspection service for, and to adopt, promulgate and enforce such rules and regulations relative to local premises used for killing and preparing poultry for market, local premises used for the sale or delivery or offering for sale or delivery of dressed poultry, and the inspection of live and dressed poultry, as will enable the Department to enforce and carry out the meaning and intent of this Article.

**SEC. 777. Inspectors and Inspection.** The Director shall, subject to the budgetary and civil service provisions of the Charter, appoint such inspectors for the purpose of making such investigation, inspection and regulations as may be necessary and warranted by the collection of fees under this Article. Such inspectors shall be under the control of said Director, and said Director and inspectors shall have free access to each location at which poultry is proposed to be killed and dressed or sold or delivered or offered for sale or delivery, at all times for the purpose of investigation, inspection and regulation of such locations and the poultry or the dressed poultry contained therein.

**SEC. 778. Certain Acts Prohibited—Exception.** It shall be unlawful for any person to sell or deliver or offer for sale or delivery live or dressed poultry or to kill and prepare same for market without first having obtained a permit and license so to do as provided in this Article. Provided, however, that it shall be lawful for any person not having a fixed place of business in the City and County of San Francisco to ship, carry or bring into the city and county live or dressed poultry for sale or delivery to any person having a valid permit and license as provided in this Article.

**SEC. 779. Imported Poultry, Place of Inspection of.** Imported live or dressed poultry shall be subject to Department inspection at its first place of rest.

**SEC. 780. Unfit Poultry, Disposal of.** All live or dressed poultry unfit for human consumption shall be destroyed or otherwise disposed of according to rule or regulation of the Department.

**SEC. 781. Poultry, Eviscerated, Etc., Displayed, Etc., When.** Poultry in eviscerated, cut-up or dismembered form shall not be displayed, sold, delivered or offered for sale or delivery except that if at the time of, or prior to the time, said poultry is eviscerated, cut-up or dismembered, it shall have been inspected and approved by the Department.

**SEC. 782. Poultry, Eviscerated, Etc., upon Request.** Poultry may be eviscerated, cut-up or dismembered by a dealer of poultry holding a valid retail permit and license, or a valid Class A wholesale permit and license at the request of the purchaser of said poultry.

**SEC. 783. Certain Poultry May be Displayed, Etc.—Conditions.** Dressed or eviscerated poultry, or poultry contained in sealed cans, tins, pots, glass or wrappers of paper, wood or similar material, bearing the seal or stamp of approval of an inspection service approved by the State of California and the Department, may be displayed, sold, delivered or offered for sale or delivery. There shall be affixed to the outside of each such container or package a label bearing the true name and quantity of the product contained therein. The sale, at retail, of such poultry shall be exempt from the permit and license provisions set forth in this Article.

**SEC. 784. Application for Permit.** Any person after the effective date of this Article desiring to engage in the business of killing and preparing poultry for market or selling or delivering or offering for sale or delivery live or dressed poultry from a fixed place of business in the City and County of San Francisco shall make application for a permit so to do as in this Article provided.

Any person who engages in the wholesale selling of poultry for seasonal periods only as defined in this Article shall make application for a seasonal wholesale permit which shall allow the applicant to engage in the wholesale selling of poultry for a period commencing on the first day of November of any year and ending on the last day of February of the following year. An application for such permit may be made at any time but shall be effective only for the period herein specified. If such application is approved the permit shall be issued within ten (10) days after the application is filed, and if such application is made after the commencement of the said seasonal period, the permit and license fees shall not be prorated. No seasonal wholesale permit shall be issued to any person who has not been engaged in business at a fixed place in the City and County of San Francisco for a period of six (6) months preceding the filing of his application for such permit.

**SEC. 785. Application, Form of.** Applications for permits as provided for in this Article shall be made to the Director on forms provided by the Department for each location at which poultry is proposed to be killed and dressed or sold or delivered or offered for sale or delivery. Said applicants shall, upon filing of the application, pay to the Department a fee of Ten (\$10.00) Dollars to cover the posting and advertising costs of said application, provided, however, that persons engaged in the business covered by this Article for one (1) year immediately preceding the effective date of this Article shall pay the sum of Five (\$5.00) Dollars.

**SEC. 786. Application, Proceedings on.** (a) **Investigation by Director.** The Director shall cause to be investigated the statements as set forth in the application and the premises for which the permit is requested.

(b) **Reference to City Planning Commission.** The Director shall forward a copy of said application to the City Planning Commission for approval as to zoning classification, and the City Planning Commission shall, within seven (7) days after receipt of said copy, inform the Director in writing if, under the zoning ordinances of the City and County of San Francisco, the business can be established and carried on at the proposed location.

(c) **Notice of Disapproval.** In the event that the application is disapproved by the Director, the Director shall so notify the applicant, in writing, giving the reason for such disapproval.

(d) **Correction of Conditions.** Upon receiving said written notice, such applicant shall have the opportunity of correcting such conditions as may have been the cause of said disapproval, within thirty (30) days after receipt of said written notice, provided that such conditions are subject to correction.



(e) **Permit upon Conditions Corrected.** If said conditions have been corrected to the satisfaction of the Director, said permit may be issued, or in the exercise of sound discretion, the Director may deny said permit.

(f) **Application, Time for Action on.** An application for a Class A, B, C or D permit shall be acted upon by the Director within fifteen (15) days after the filing of such application.

(g) **Permit, Numbering and Expiration of.** Permits shall be serially numbered and shall expire on June 30 of the current fiscal year for which issued, provided that a Class E permit shall expire on the last day of February of the period for which issued.

**SEC. 787. Classification of Permits.** Permits issued under the provisions of this Article shall be classified by the Director, as follows:

Class A—Wholesale Permit. Permit to kill and dress poultry and to sell or deliver or offer for sale or delivery live or dressed poultry.

Class B—Wholesale Permit. Permit to sell or deliver or offer for sale or delivery live or dressed poultry.

Class C—Retail Permit. Permit to kill and dress poultry and to sell or deliver or offer for sale or delivery, only at retail, live or dressed poultry.

Class D—Retail Permit. Permit to sell or deliver or offer for sale or delivery, only at retail, dressed poultry.

Class E—Seasonal Wholesale Permit. Permit to sell or deliver or offer for sale or delivery live or dressed poultry for a period commencing on the first day of November of any year and ending on the last day of February of the succeeding year.

**SEC. 788. Permit to Tax Collector.** When any such permit is issued, the Director shall cause said permit to be forwarded to the office of the Tax Collector for delivery to the permittee, upon the payment in advance of license fee for the fiscal year as follows:

Class A—Wholesale, each establishment.....	\$95.00 per year
Class B—Wholesale, each establishment.....	95.00 per year
Class C—Retail, each establishment.....	95.00 per year
Class D—Retail, each establishment.....	13.00 per year
Class E—Seasonal Wholesale, each establishment.....	
.....	\$32.00 each four (4) months' period.

**SEC. 789. License, Form of.** The Tax Collector shall issue a license to each permittee for which the license fee was paid, showing thereon:

- (a) Name and address of the permittee;
- (b) Address at which business is to be conducted;
- (c) Number and class of permit;
- (d) Expiration date of the license, which date shall be the expiration date of the permit.

**SEC. 790. License Fee for Less than Fiscal Year.** For any person obtaining an original Class A, B, C or D permit as provided for in this Article, the Tax Collector shall prorate on a monthly basis, fractions of a month to be considered a full month, the amount of the license fee due for any given fiscal year.

**SEC. 791. Application for Renewal.** Application for the renewal of permit and license shall be made in the same manner as provided for the original application for a permit and license, and shall be made at least thirty (30) days prior to the expiration of the current permit and license. Failure to apply for the renewal of the permit and license within the time specified shall cause the inspection service herein provided for to be discontinued at the expiration date of the permit and license then in effect, and the permittee shall not again engage in such business until a new permit and license have been obtained. No charge shall be made for the renewal of a permit provided that application for such renewal is made within the time specified in this section.

The provisions of this section shall not apply to applications for renewal of seasonal wholesale permits, the time for making application for such renewal being the same as that specified in Section 784 of this Article, except that no charge for



renewal shall be made to any person who has been granted a seasonal wholesale permit for the previous period for which a Class E permit may have been issued.

**SEC. 792. Permit and License Not Transferable Without Permission of Director.** The permit and license provided for in this Article shall not be transferable without the written permission of the Director.

**SEC. 793. No Refund of Fees.** In case of discontinuance of business by the permittee or licensee no refund of fees paid shall be made.

**SEC. 794. Posting of License and Permit.** Every such current permit and license shall be plainly posted in a conspicuous place, for the public to see, on the premises for which the permit and license were issued.

**SEC. 795. Authority to Revoke Permit.** The Director shall, after public hearing, have the power to revoke any such permit for violation by the permittee or by the permittee's servants, agents, or employees of any of the provisions of this Article, or of the rules and regulations of the Director made pursuant to this Article, or, if in the Director's opinion, it is deemed necessary for the protection of public health. The revocation of said permit shall automatically revoke the license issued thereon.

**SEC. 796. Method of Collecting and Accounting.** The Controller shall provide for the method of collecting and accounting for all money collectible under the provisions of this Article.

**SEC. 797. Exemption as to Fees.** Any person having a valid permit and license issued under the provisions of this Article for Classes A, B, C and D establishments shall be exempt from the payment of the fees provided for in Sections 35 to 40, inclusive, Part III, of the San Francisco Municipal Code.

**SEC. 798. Hours of Business.** It shall be unlawful for any person within the City and County of San Francisco to sell or offer for sale or delivery any uncooked poultry during the hours from 6:00 P. M. of one day to 7:00 A. M., of the following day, or on Sundays or legal holidays; provided, however, that for seven (7) days prior to Thanksgiving Day and seven (7) days prior to Christmas Day uncooked poultry may be sold or delivered or offered for sale or delivery between the hours of 5:00 A. M. and 6:00 P. M., subject, however, to the restrictions set forth in this section as to Sundays and legal holidays.

Provided further, that Kosher poultry may be sold or offered for sale or delivery on Saturdays from sundown until twelve o'clock midnight, and on Sundays between the hours from 8:00 A. M. until 12:00 noon; provided further that no other uncooked poultry may be sold or offered for sale or delivery on the same premises where said Kosher poultry is sold or offered for sale or delivery during said hours.

**SEC. 799. Repeal.** Any and all ordinances, or parts thereof, in conflict with the provisions of this Article are hereby repealed, but only to such extent as conflict may exist, save and except the provisions of Sections 37 and 38, Chapter V, Part II, of the San Francisco Municipal Code.

**SEC. 800. Non-Waiver of Debts Due and Unpaid.** The enactment of this Article shall not in any manner be construed as a waiver of any license or permit fees or any other fees or money due and unpaid under the provisions of any section of the San Francisco Municipal Code or any ordinances of the City and County of San Francisco.

**SEC. 801. Saving Clause.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Article. The Board of Supervisors hereby declares that it would have passed this Article, and each section, subsection, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional.





PRINTED BY  
PERNAU-WALSH PRINTING CO.  
755 MARKET STREET  
SAN FRANCISCO



12532

5







